

**ZB# 03-63**

**Michael Cassisi**

**57-1-65.21**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 3-8-04*

ZBA # **03-63** MICHAEL CASSISI  
VASCELLO RD (57-1-65.21) AREA

Michael Cassin 518-505-8606

# Memorandum

**To:** Town of New Windsor  
**From:** Michael and Micky Cassisi  
**Date:** 6/14/2004  
**Re:** Sec/Blk/ Lot: 57-1-65.21

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The following requirements were asked of Michael and Micky Cassisi by the Town of New Windsor in order to moved forward with the variance for the following building lot.

1. Topography Map showing placement of neighboring wells specified in feet from the well/lot in question along with variances, slopes and sewer easements. **Please refer to pages 1-4 of the survey map.**
2. Survey - House and driveway placement on lot. **Please refer to pages 1-4 of the survey map.**
3. Driveway placement approval by the Superintendent of the Highways - **Approval letter provided**
4. Square Footage and floor plan of the proposed building. **Please refer to pages 1-3 of the Building Floor Plan.**



# **Town of New Windsor**

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 565-5102

## **Superintendent of Highways**

Henry J. Kroll

**TO:** Michael Babcock, Building Inspector  
**FROM:** Henry Kroll, Superintendent of Highways  
**DATE:** April 28, 2004  
**SUBJECT:** SEC/BLK/LOT: 57-1-65.21  
Driveway-Corner of Vascello Road and Schiavone Drive

I have inspected the proposed driveway at the above location. The driveway position is approved.

If you have any questions, please do not hesitate to contact me.

HK/mvz

Cc: file



# Request

Request to grant variances so that a  
home can be built on the Lawrence  
land located on Vascello Road.

Requestors: Vincent J. Lawrence,  
owner

Michael & Dominic Cassisi Jr.,  
Builders

## Background (Lawrence & family)

- ❖ My father, Vincent L. Lawrence, a retired New York City fireman was also a Real Estate Broker and developer in the local area
- ❖ Mr. Lawrence was also an advocate and active member of this community
- ❖ He divided the subject land in the 1980s from his primary home and deeded it to me in 1990.

## Background (continued)

- ❖ Dominic Cassisi, Jr. — builder - local family— his parents Mr & Mrs Dominic Cassisi, Sr. live immediately across the street from proposed site
- ❖ Michael Cassisi —partner builder—brother of Dominic
- ❖ Our TEAM has a vested interest in maintaining the QUALITY of the macro-community.



## Background (continued)

- ❖ Vincent J. Lawrence
  - ❖ Resident of Littleton, CO
  - ❖ Raised Brooklyn, NY and Beaver Dam Lake area
  - ❖ Builder — have built 10 homes in Denver area
  - ❖ Owner — L & N properties — own and Rent TownHouses in the Denver area

# Reasonable Accommodation

- ❖ Similar to existing adjacent homes but modern Structure built to current building codes will be erected
- ❖ Corner Lot —does not intrude on neighbors — minimum impact
- ❖ Lots of Space —nearest home via direct land connection is more than 100 feet away —more than the average for the Beaver Dam Lake community
- ❖ Attractive Home — will be a positive factor for the overall community

# Benefit To Community

- ❖ Additional Tax Revenues — in a time of budget deficits this property will add a measurable amount to tax receipts (\$4,000?)
- ❖ Improved property values — an ATTRACTIVE home tends to raise the values of adjacent homes
- ❖ Construction provides jobs and income for local residents

# Objections

- ❖ Everyone has the right to their opinion. However;
- ❖ This request will result in a home —not a business — not an eyesore - in a community of homes
- ❖ Unreasonable to expect land will be vacant forever
- ❖ Board has a responsibility to see that land is used for its intended purpose — building a home AND that taxes paid are not paid in vain

# Reasonable Request

- ❖ Vincent J. Lawrence has been paying taxes on this lot — including the sewer tax since 1990 — it is reasonable and logical to request we obtain the variances that will allow us to build a home on this prime HOME SITE.
- ❖ Respectfully
- ❖ Vincent J. Lawrence
- ❖ Dominic and Michael Cassisi

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 57-1-65.21

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

MICHAEL CASSISI

AREA

CASE #03-63

**WHEREAS, Michael Cassisi and Mickey Cassisi representing Vincent Lawrence , owner(s) of 24 Vascello Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:**

7,353 ft. Minimum Lot Area (R-4 C7) and;

10 ft. Rear Yard Setback (R-4 G7)

For proposed house on Vascello Road in an R-4 Zone (57-1-65.21)

**WHEREAS,** a continuation of a public hearing that was opened on March 8, 2004 and tabled was held on June 14, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS,** the Michael Cassisi and Mickey Cassisi, the principals of the Applicant, appeared on behalf of this Application; and

**WHEREAS,** there were two spectators appearing at the public hearing; and

**WHEREAS,** no one spoke in favor of or in opposition to the Application, however, the spectators had questions which were answered; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.

- (b) All existing wells in the neighborhood are more than 200 feet away from the proposed well.
- (c) The wells in the neighborhood are separated by a distance in excess of the distance required by law.
- (d) In constructing the proposed dwelling, the applicant will not remove any trees or substantial vegetation.
- (e) The house will not be constructed on top of, nor will it interfere with, any easements including, but not limited to, water, sewer and utility easements.
- (f) The building of the house will not create the ponding or collection of water or divert the flow of water drainage.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a :

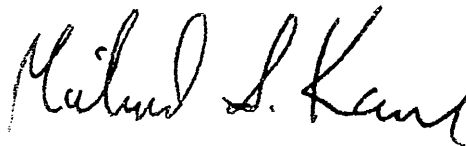
7,353 ft. Minimum Lot Area (R-4 C7) and;  
10 ft. Rear Yard Setback (R-4 G7)

For proposed house on Vascello Road in an R-4 Zone (57-1-65.21) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 14, 2004



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Chairman





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-63      TYPE: AREA

APPLICANT Name & Address:

**Michael M. Cassisi**  
**P.O. Box 10456**  
**Albany, NY 12201**

TELEPHONE:    518-505-8606

RESIDENTIAL:	\$ 50.00	CHECK #601
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK #602

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<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>8</u> PAGES	\$ <u>44.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u> PAGES	\$ <u>   </u>	\$ <u>   </u>
PUBLIC HEARING:	<u>24</u> PAGES	\$ <u>132.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>7</u> PAGES	\$ <u>38.50</u>	\$ <u>35.00</u>
TOTAL:		\$ <u>214.50</u>	\$ <u>105.00</u>

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ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 319.50

**AMOUNT DUE:**

**\$ 19.50 - RECEIVED CK #109 1/10/05**

REFUND DUE:            \$ - 0 -

*1/12/05*

*Larry - Please initial  
+ return to  
Myra - Thank*

L.R. 01-12-05



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

September 22, 2004

Michael M. Cassisi  
P.O. Box 10456  
Albany, NY 12201

SUBJECT: REQUEST FOR VARIANCE #03-63

Dear Mr. Cassisi:

Please find enclosed a copy of the disbursements made from your escrow of \$300.00 that was posted upon application to the Zoning Board of Appeals (your check #602).

As you can see, the total charges slightly exceeded the amount of the escrow that was posted. Upon receipt of this letter, please forward payment in the amount of **\$19.50** (made payable to The Town of New Windsor). Upon receipt of this payment we will forward two copies of the Formal Decision for your case before the Zoning Board of Appeals and one copy to the Building Inspector's Office for his information when issuance of a Certificate of Occupancy is due.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

CK109  
*Dominick Cassisi*  
**PAID**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-63      TYPE: AREA

APPLICANT Name & Address:

**Michael M. Cassisi**

**P.O. Box 10456**

**Albany, NY 12201**

TELEPHONE:      518-505-8606

RESIDENTIAL:	\$ 50.00	CHECK # <u>601</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 602

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2 <sup>ND</sup> PRELIMINARY:	____ PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>24</u> PAGES	\$ <u>132.00</u>	\$ <u>35.00</u>
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TOTAL:		\$ <u>214.50</u>	\$ <u>105.00</u>

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ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 319.50

AMOUNT DUE:      \$ 19.50

REFUND DUE:      \$ - 0 -

L.R. \_\_\_\_\_

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Michael Cassisi  
DATE: June 14, 2004

SIGN-IN SHEET

	NAME	ADDRESS
1.	Edward Hanley	60 Lakeside Dr New Windsor
2.	Mary + John Hyde	62 Lakeside Dr New Windsor
3.		
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40 x 28 No Porch

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#### Plan Features

- Total: 2,203 sq.ft.
- 1st Floor: 1,120 sq.ft.
- 2nd Floor: 1,083 sq.ft.
- Bonus Space: 597 sq.ft.
- 3 bedrooms
- 2 full baths
- 1 half bath
- 2 story
- Dimensions: 40' x 40'
- This is Plan: HWEPL05795

#### Pricing Information

- Reproducible Plans \$1,000.00
- Blueprints (8 sets) \$800.00
- Blueprints (4 sets) \$740.00
- Blueprints (1 set, study plan stamped "not for construction purposes") \$670.00

#### Plan Options\*

- Materials List \$70.00
- QuoteOne Material Cost Report (Means) \$60.00
- Mirror Reverse Fee \$50.00
- Additional Plans \$50.00
- Additional Materials List \$15.00
- Rear Elevation \$10.00
- QuoteOne Summary Cost Report (Means) \$29.95
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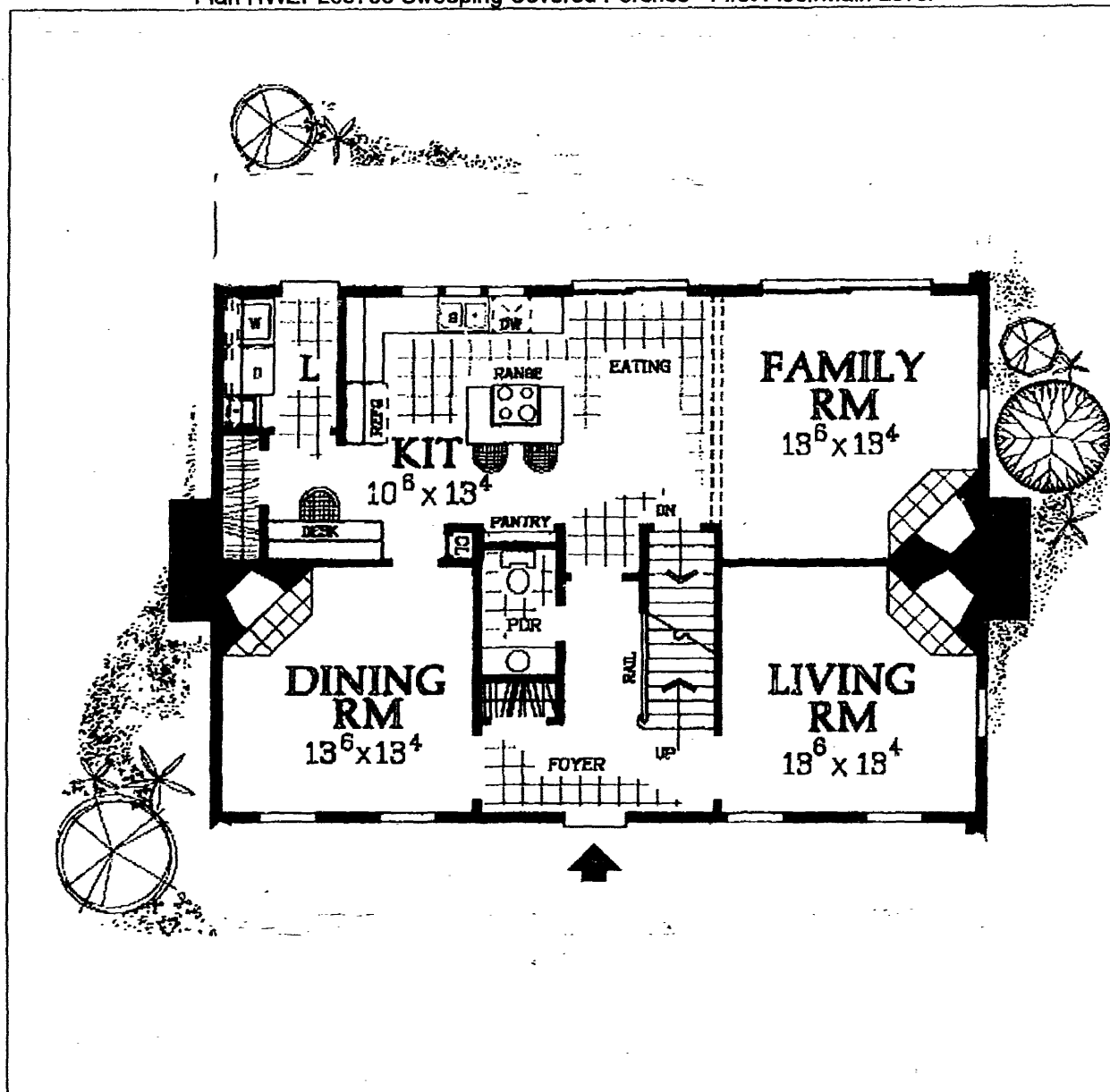
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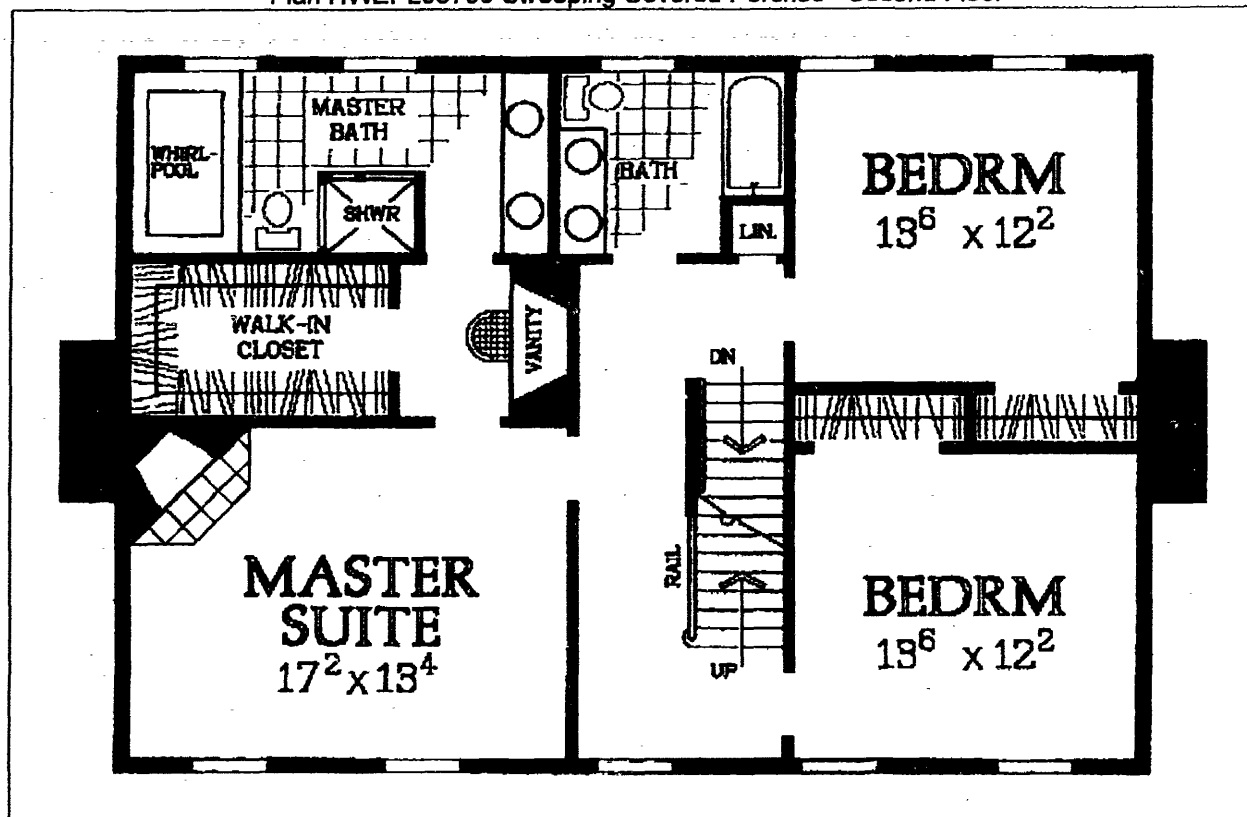
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Plan HWEPL05795 Sweeping Covered Porches - Second Floor



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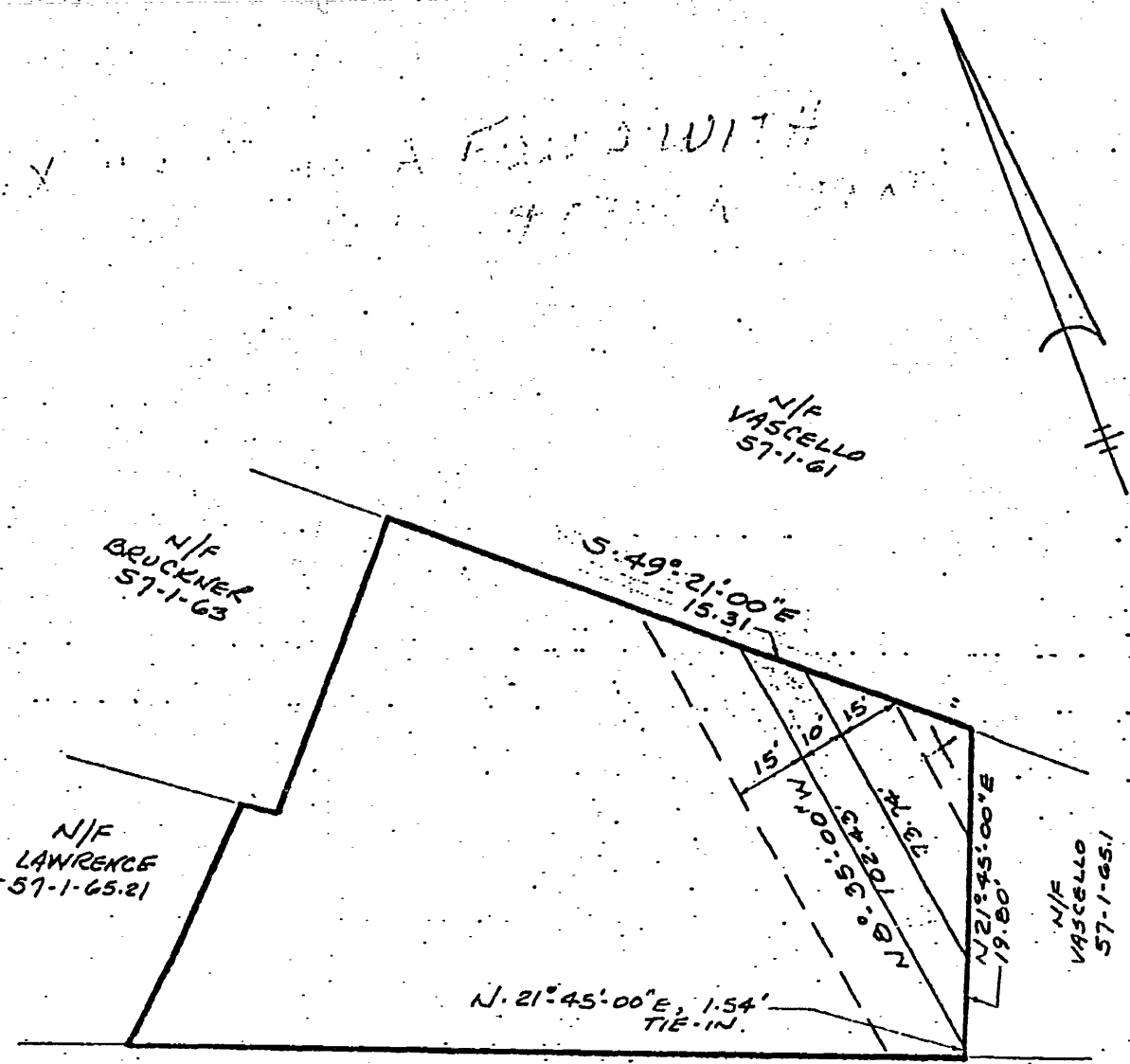
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BASED ON FIELD SURVEY OF PROPOSED SEWER ALIGNMENT, LOCATION OF AVAILABLE BOUNDARY EVIDENCE, AND DEED INFORMATION. THE PROPERTY AS SHOWN IS FROM DEED INFORMATION, AND THE DIMENSIONS THEREOF ARE NOT TO BE CONSTRUED AS A PROPERTY SURVEY OF THAT PARCEL.

LIBER 2093 PAGE 424

EXISTING SEWER LINE FOUND WITH  
4" DIA. PIPE



VASCELLO ROAD

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO  
THIS MAP IS A VIOLATION OF SECTION 7209, SUB-  
SECTION 2, OF THE N.Y. STATE EDUCATION LAW.

*Ed L. Wehran, Jr.* 12/15/77  
ED L. WEHRAN, JR. - L.S. Lic. No. 49067 DATE

**LEGEND**

\_\_\_\_\_  
PROPERTY LINE  
\_\_\_\_\_  
PERMANENT EASEMENT  
\_\_\_\_\_  
TEMPORARY CONSTRUCTION EASEMENT

TAX MAP SECT. 57 BLOCK 1 LOT 65.22  
DEED. LIBER. 1392 PAGE 218

MAP OF  
*LANDS OF VINCENT L. AND MARY A. LAWRENCE H/W*  
FOR  
EASEMENT ACQUISITION  
SANITARY SEWER DISTRICT NO. 23  
TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

SURVEYED PA  
DESIGNED —  
DRAWN JR  
CHECKED RR



**WEHRAN ENGINEERING**

*Consulting Engineers & Land Surveyors*

SCALE 1" = 40'  
DATE 11-21-77  
PROJ. NO. —  
P-75024

PUBLIC HEARING CONTINUATION:

MIKE CASSISI (03-63)

Mr. Michael Cassisi and Mr. Mickey Cassisi appeared before the board for this proposal.

MR. KANE: Request for 7,353 ft. minimum lot area and 10 ft. rear yard setback for proposed house on Vascello Road in an R-4 zone. Is there anybody in the audience for this particular hearing? We're going to bring a pad just to write your name and address on so we have it for the stenographer, okay, and when I open it up to the public, then you'll be allowed to speak at that point.

MR. MICHAEL CASSISI: So you have the survey but you have it in a, I guess there's four copies that are there so you can pull them off. So basically a couple months, we're back here and we were asked to get additional information for the board and what we did is we listed those in four items so there's a topo map which I will let my brother go through on this. It basically has the placement of the neighboring wells specified so many feet and the slopes and the sewer easements, if you want to take each item we can go through each item and go back.

MR. KANE: Why don't you go through all of them and we'll go back?

MR. MICHAEL CASSISI: Number 2, same drawing, has the survey and driveway placement on the survey itself. Number 3 has the driveway placement approval that the superintendent of the highways was brought out, shown where the driveway would be placed and there was an approval letter that's submitted within the context of the packet. And the last one has a floor plan of the proposed building, I think you saw it last time, we made sure it's included again.

MR. KANE: Let's go right to the meat of the matter and talk about wells, I know why you're all here.

MR. MICKEY CASSISI: The wells, there's nothing you can really do about knowing where the water is underground, obviously, but these, all these wells are more than 200 feet away from the proposed well.

MR. KANE: Which your proposed well is right here?

MR. MICKEY CASSISI: Yes, the only one that they didn't get was the one across the street, this house over here, actually, those wells are a lot further apart than like a normal subdivision or a development.

MR. KANE: Okay, let's get right to it, let's go right to the public, let them speak. We'll open up the public portion of the meeting, please state your name, say what you have got to say.

MR. HYATT: John Hyatt, I just have a question with the back yard property line, the side property line there's a dotted line and then there's a solid line says see note number 3.

MR. KANE: Can you address this for the gentleman right there, that would be he's talking about dotted line and this heavy line with that going right across?

MR. MICKEY CASSISI: That dotted line looks like a reference line, I believe that's your building envelope for the--

MR. HYATT: Yeah, it says number 3 that somehow, someplace, somewhere that this is a property line, I just don't want to lost that 7 feet of my property so your 18 feet 7 inches is going from that heavy line?

MR. MICKEY CASSISI: Yeah.

MR. BABCOCK: The heavy line is his property line.

MR. HYATT: So the--

MR. BABCOCK: Well, the dotted line apparently two different surveyors had two different pieces of information and this surveyor's saying that this is filed at the Orange County Clerk's office and a deed and he's saying the deed--do you have a survey of your property, does it show?

MRS. HYATT: It doesn't show that on our survey, no, and we have been in the house for 18 years and it never has so that now all of a sudden this is showing up.

MR. BABCOCK: The dotted line represents that there used to be a property line there, so one surveyor some years ago must of thought that the property line went straight back and this surveyor's saying it doesn't.

MR. KANE: This is the current one?

MR. BABCOCK: This is the one we're looking at tonight.

MR. KANE: And the current survey, is that showing--

MRS. HYATT: It's actually showing both, that's why we're concerned cause it's showing both on their survey.

MR. KANE: He's showing an old surveyor's.

MRS. HYATT: Our survey does not show that.

MR. MICKEY CASSISI: The new precedes the old one.

MR. KANE: Well, it's noted here in the public meeting so you did bring up the concern, it is on the record that you have a vested interest in that.

MR. HYATT: I want to make sure that the newer survey takes precedence over an old one.

MR. KANE: It should as far as I know.

MR. MC DONALD: This is the map filed in Orange County?

MR. HYATT: Both of them are.

MR. KANE: Again, it's on the public record that you had a concern, you have not given up your rights in any way to pursue that.

MRS. HYATT: My other question, what's the requirement, what's the town requirement for the house? How many feet does it have to be from the property line over?

MR. BABCOCK: Has to be 15 feet and they're proposing 18.8 feet.

MR. HYATT: It says 15, 30.

MR. BABCOCK: 15 and 30 total so it's 15 and 15.

MR. KANE: Do you understand?

MRS. HYATT: You do have a well in the back, we actually had to drill a second well so we do have two wells, we have one in the front and a well in the back as well.

MR. MICKEY CASSISI: He didn't mark the one in the front, I guess he didn't see that.

MR. HYATT: We added another one since we owned the property.

MR. BABCOCK: Once they found one well, why would they look for another one?

MRS. HYATT: We have two wells because of the water problem being Beaver Dam Lake and so many other places it really, really is a concern, water is a problem which I know you're very well aware of, I need that to be on record, we're concerned about water in our area.

MR. KANE: Okay, anything else? At this point, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 17th of May, I didn't have any mailings but I did put a notice in The Sentinel that this was going to be a continuation.

MR. REIS: Can you tell us how many there were for the first one?

MS. MASON: Prior to that, I had 33 on the 16th of February I mailed out 33 envelopes.

MR. KANE: Any easements going through the property?

MR. MICKEY CASSISI: Yes, there's an easement, sewer easement.

MR. KANE: And the house is going to be nowhere near that?

MR. MICKEY CASSISI: No, large map shows it.

MR. BABCOCK: Just for the record, I met out there with the highway department in reference to the drain pipes, there was some question at the public hearing about the drainage at the bottom of the hill, they felt that sometimes overtops the road and also the location of the driveway and he's approved both of those, he has no problem with that.

MR. KANE: The highway super?



MR. BABCOCK: Yes.

MR. KANE: In the building of this house, do you feel like you're going to create any water hazards or runoffs?

MR. MICKEY CASSISI: Well, there will be a natural runoff, you know, the footing drain has to drain out which is not a problem because there's plenty of pitch, I mean, there's going to be plenty of place for it to run without causing any problems.

MR. KANE: Any other questions, guys?

MR. REIS: I don't have any questions.

MR. RIVERA: Anticipate any water hazards?

MR. MICKEY CASSISI: No, I don't, no.

MR. MC DONALD: Accept a motion?

MR. KRIEGER: Mike, what is the minimum lot, what's the lot area that's called for in the statute here?

MR. BABCOCK: 21,790.

MR. KANE: They're are providing 15,3.

MR. BABCOCK: They're asking for a variance of 7,353.

MR. KANE: Mike, well, yeah, on the deck there's a 14 x 10 proposed deck, says 38.52 deck.

MR. BABCOCK: That's the rear yard, he's asking for a 10 foot rear yard.

MR. KANE: He's asking for the 10 foot rear yard?

MR. BABCOCK: Yes.

MR. KRIEGER: The question is does that include the proposed deck?

MR. BABCOCK: Yes, that's the reason for the rear yard setback.

MR. KANE: Is to put a deck on?

MR. BABCOCK: That's correct.

MR. KRIEGER: If it weren't for the deck, he wouldn't need it?

MR. BABCOCK: That's correct.

MR. KANE: Okay, I'll accept a motion.

MR. MC DONALD: I make a motion we grant Mr. Mike Cassisi his request for the 7,353 foot minimum lot area, 10 foot rear yard setback for proposed house on Vascello Road in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	NO



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 565-5102

## Superintendent of Highways

Henry J. Kroll

TO: Michael Babcock, Building Inspector

FROM: Henry Kroll, Superintendent of Highways *HK*

DATE: April 28, 2004

SUBJECT: SEC/BLK/LOT: 57-1-65.21  
Driveway-Corner of Vascello Road and Schiavone Drive

I have inspected the proposed driveway at the above location. The driveway positioning is approved.

If you have any questions, please do not hesitate to contact me.

HK/mvz

Cc: file

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: April 15, 2003**

**APPLICANT: VINCENT J. LAWRENCE  
76 GOLDEN EAGLE LANE  
LITTLETON, CO 80127**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: APRIL 10, 2003**

**FOR : PROPOSED ONE FAMILY HOUSE**

**LOCATED AT: VASCELLO ROAD**

*33 Schuylon Rd  
OR 24 Vascello Rd*

**ZONE: R-4      Sec/Blk/ Lot: 57-1-65.21**

**DESCRIPTION OF EXISTING SITE: SECTION 57 BLOCK 1 LOT 65.21 VACANT LOT**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. PROPOSED HOUSE WILL NOT MEET MINIMUM LOT ARE OF 21,790 SQ FT**
- 2. PROPOSED HOUSE WILL NOT MEET MINIMUM 40' REAR YARD SET BACK**

**THIS IS A CORNER LOT.**

  
**BUILDING INSPECTOR**

PERMITTED 21,790 40'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: C7, G7

MIN LOT AREA:

15,318

~~7,353~~

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

30'

10'

REQ'D FRONTAGE:

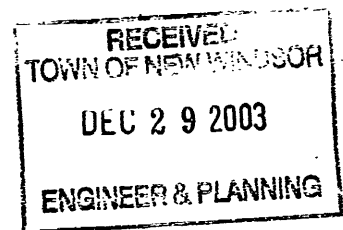
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



03-63

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

APR 10 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit # PA 2003-0307

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Vincent J Lawrence  
Address 76 Golden Eagle Ln, Littleton CO 80127 Phone # 303 792 9779  
Mailing Address Above Fax # 303 792 9786  
Name of Architect \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor Micky Cassisi DBA All-Qual Builders *call or 1*

Address: 93 Ulster Ave Warden NY Phone 845-778-2036 Max

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Vascello Rd  
(N, S, E or W)  
and 150-200 FT feet from the intersection of Scharone Rd
2. Zone or use district in which premises are situated RA Is property a flood zone? Y N ✓
3. Tax Map Description: Section 57 Block 1 Lot 65.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Building Lot b. Intended use and occupancy 1 Family Dwelling
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? Yes
7. Dimensions of entire new construction. Front 48' Rear 48' Depth 26' Height 28' No. of stories 2
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor NA
- Number of bedrooms 3 Baths 2 Toilets 2 Heating Plant: Gas ON ✓  
Electric/Hot Air Hot Water ✓ If Garage, number of cars NA
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost \$160,000 Fee 50 ck #4576

**PAID**

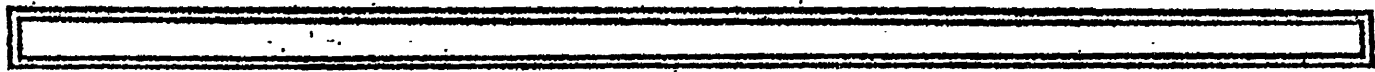
**ZONING BOARD**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Michael L. Babcock*  
(Signature of Applicant)

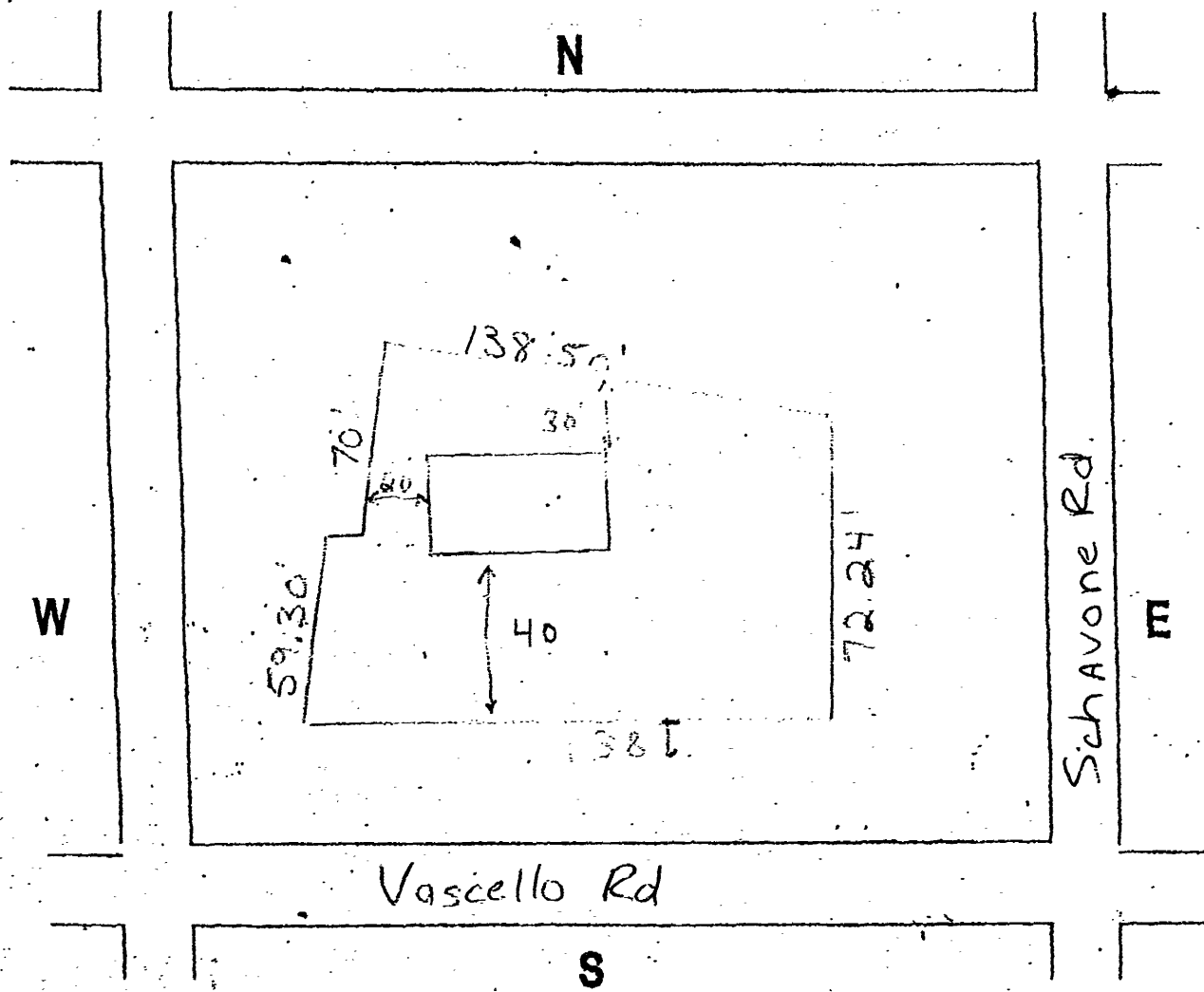
*Littleton*  
*76 Golden Eagle Lane, CO 80127*  
(Address of Applicant)

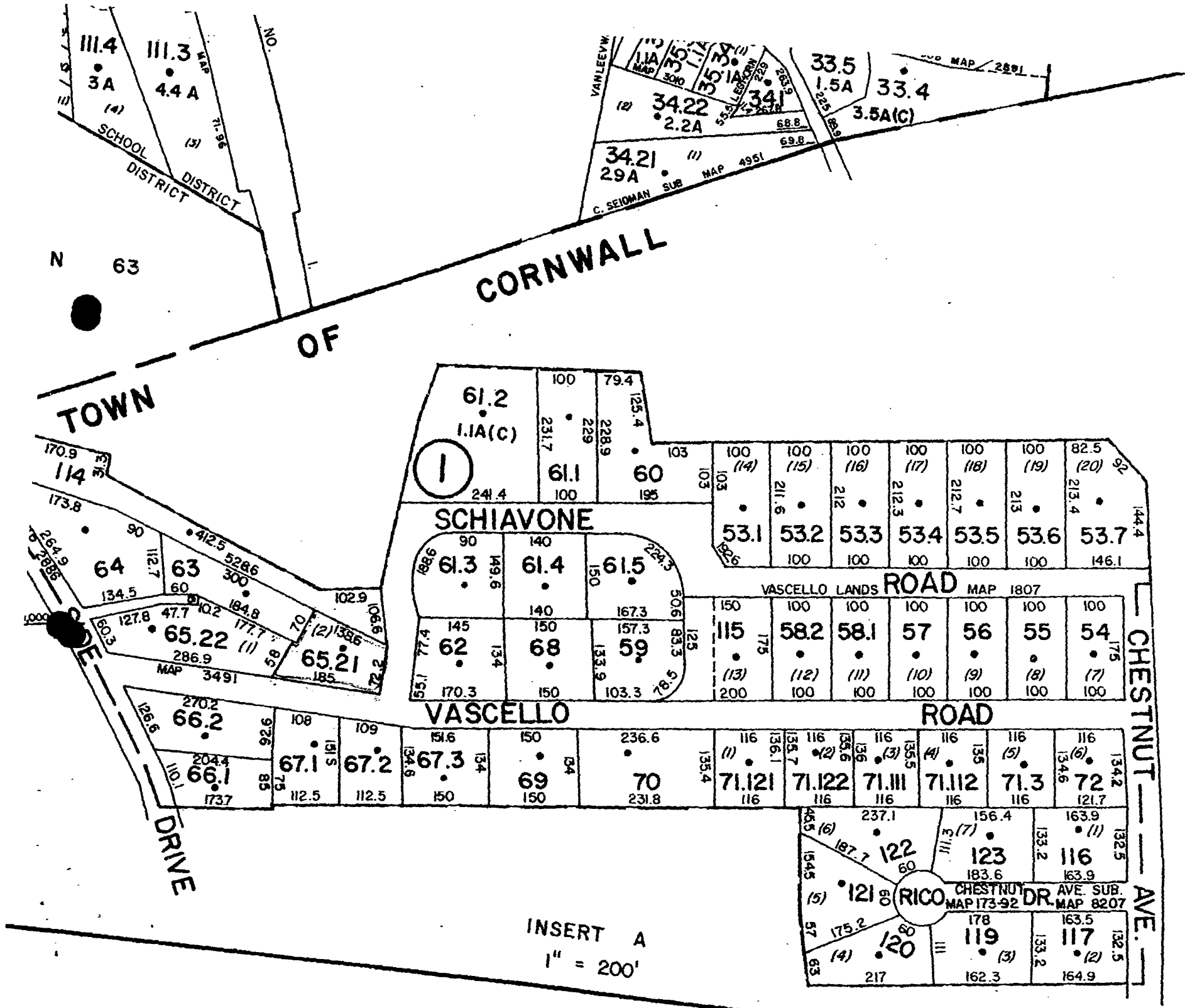
*Michael L. Babcock*  
(Owner's Signature)

*76 Golden Eagle Lane*  
(Owner's Address)

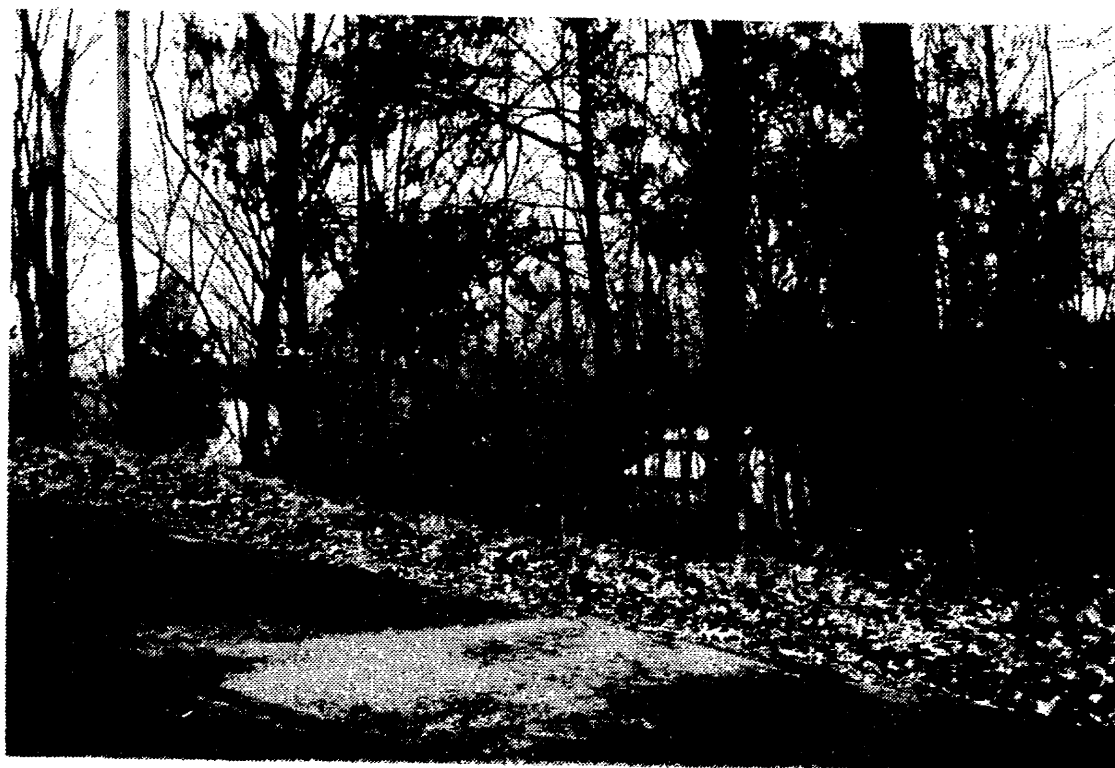


**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



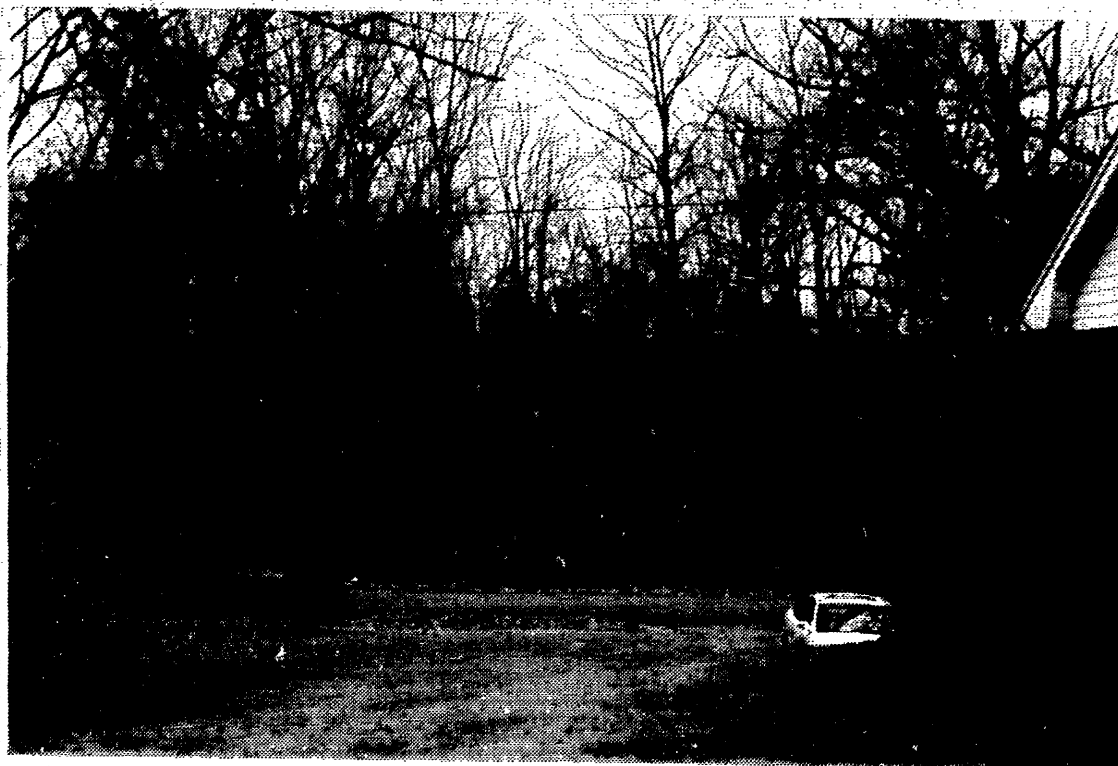


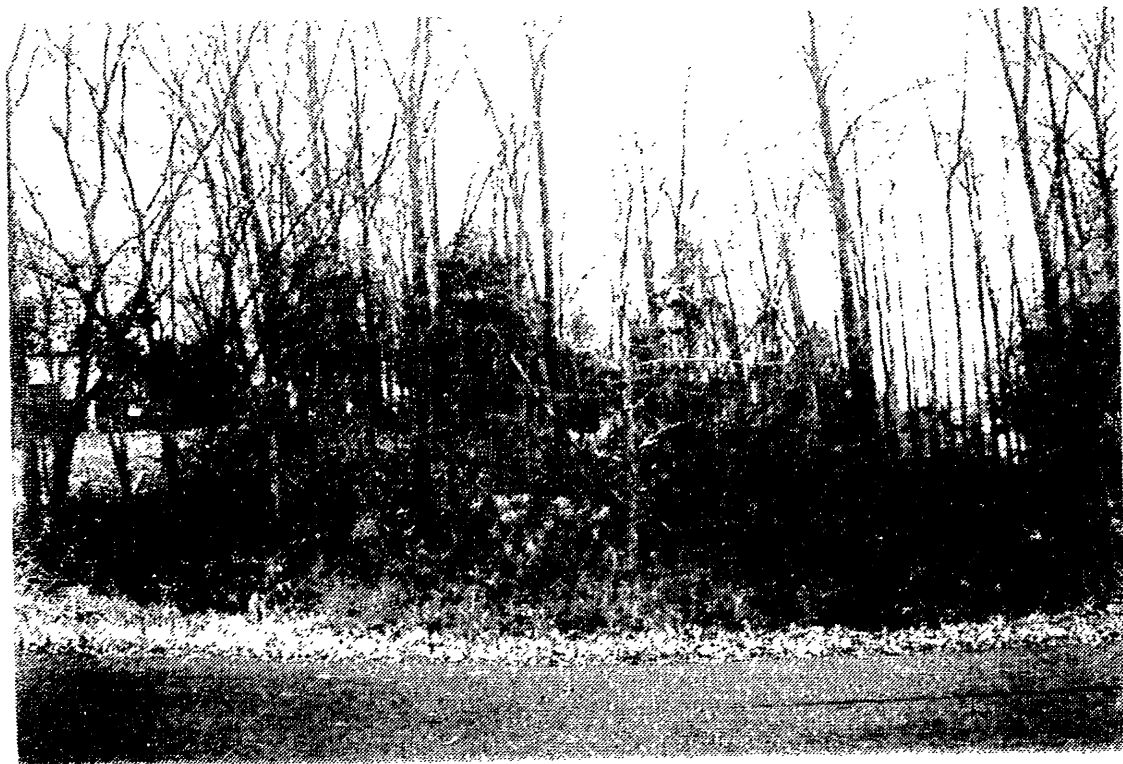
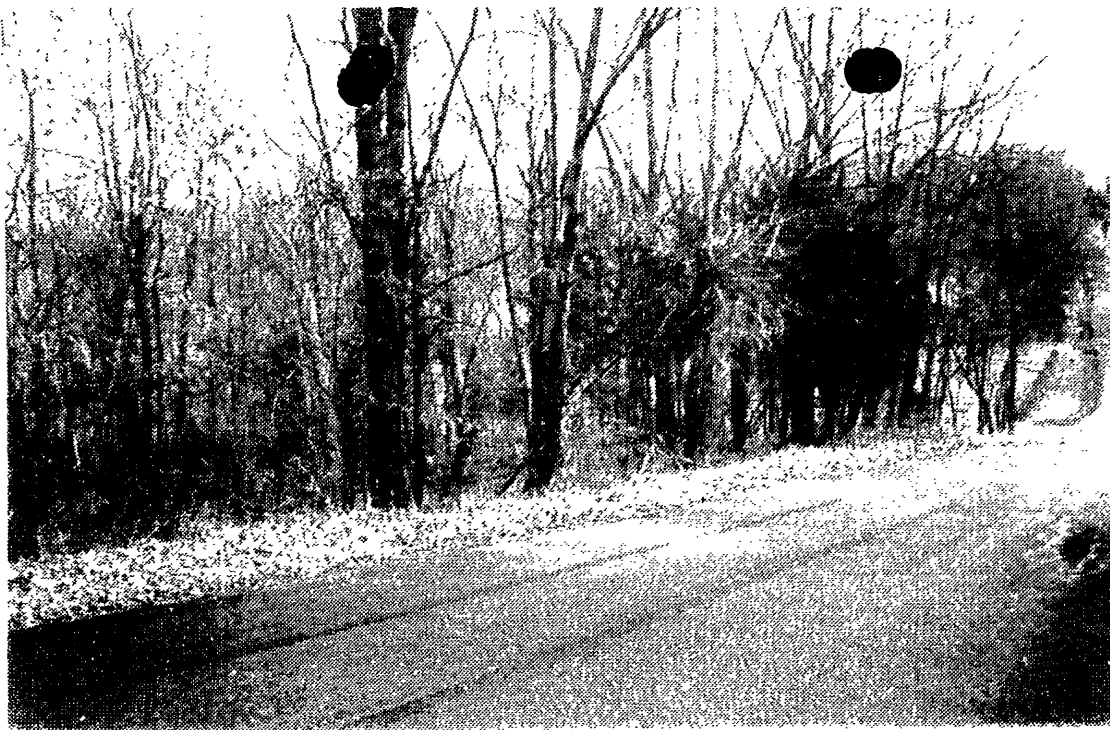
INSERT A















**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

# 03-63

----- X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 17<sup>th</sup> day of May, 2004, I sent a Notice of Continuation of Public Hearing for publication in the Official Town Newspaper, The Sentinel. Said notice is to be published in the May 21<sup>st</sup>, 2004 edition.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

18<sup>th</sup> day of May, 20 04

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-63**

**Request of MICHAEL CASSISI**

**for a VARIANCE of the Zoning Local Law to Permit:**

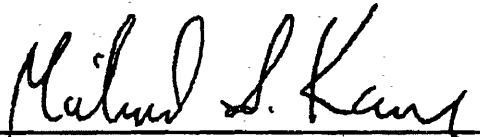
**Request for:**

**7,353 ft. Minimum Lot Area (R-4 C7) and;  
10 ft. Rear Yard Setback (R-4 G7)**

**For proposed house on Vascello Road in an R-4 Zone**

**known and designated as tax map Section 57 Block 1 Lot 65.21**

**PUBLIC HEARING will take place on JUNE 14, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 4, 2004

Michael M. Cassisi  
P.O. Box 10456  
Albany, NY 12201

SUBJECT: REQUEST FOR VARIANCE #03-63

Dear Mr. Cassisi:

This is just to remind you that your Public Hearing Continuation before the Zoning Board of Appeals for your requested variance at:

Vascello Road  
New Windsor, NY

is scheduled for the June 14<sup>th</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: March 8, 2004

PROJECT: Michael Cassisi ZBA # 03-63  
P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD  
REIS  
MINUTA  
KANE  
CARRIED: Y N

Re Advertiser  
Tabled  
PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

★ VARIANCE APPROVED: M) RS S) R VOTE: A 4 N 0.

RIVERA A  
~~MCDONALD~~ A  
REIS A  
MINUTA A  
KANE A

CARRIED: Y ✓ N

applying for:

Home 48x28 (Town Sewer + Well) 4 Bedroom Home.

Everette Smith - Spoke re: Water problems + layout of property

Wayne Sardulo - Spoke re: Water tables

Judith Lavarro - Spoke re: " " + the house being too close to here + flooding

Joseph Cruz - Spoke re: Water tables + flooding

Need more detailed plan for house + property (Well Water Drainage Topography)  
Meet w/ Kroll for driveway approval.

PUBLIC HEARINGS:

MIKE CASSISI (FOR VINCENT LAWRENCE) #03-63

MR. KANE: Request for 7,353 ft. minimum lot area and 10 ft. rear yard setback for proposed house on Vascello Road in an R-4 zone.

Mr. Michael Cassisi, Mr. Mickey Cassisi and Mr. Vincent Lawrence appeared before the board.

MR. KANE: I will ask at this time if there's anybody in the audience that's here for this particular meeting? Joe, do you want to take this? Do you have one? Just going to ask you to sign your name, address so we have it for the record. When we open it up to the public portion of the hearing, I'm going to ask you to please state your name for the record and then say what you have to say, just try not to be repetitive. Thank you. Okay, gentlemen, it's your show.

MR. LAWRENCE: I'm Vincent Lawrence, I'm the current owner of the lot at Vascello Road that's in question. This lot was actually developed by my father, he was a New York City fireman and a broker and he subdivided this piece of land from his main house back somewhere in the '80s, I don't have the exact number. I brought together a team here of local people, myself, Mickey and Michael Cassisi who are sons of Dominick Cassisi, who's a neighbor right next to this lot directly across from the lot and they would be involved and the builders for this particular home. And I'd like to point out that being in such close proximity with their parents and being in the local community, that this team has a vested interest in maintaining the quality of this community. I'm currently a resident of Denver, Colorado but I have been involved in real estate development both in Boulder and in Denver, my father developed an area called Twin Ponds, which is on the Cornwall side of Beaver Dam Lake and I was involved in

the development of that piece of property after his death. The home on this lot would be a benefit to the community. We asked ask for reasonable accommodation on this lot for the variances that are asked and that is the home to be built will be similar to existing homes but a modern structure built and it will of course shall be built to current building codes and it will be a very attractive home. The pictures show that this is a corner lot and it does not intrude on neighbors, it has a minimal impact on the local community. If you look at the pictures, you can see that the other homes in the area are quite a distance away, average hundred feet to the, to any home that's in that block there on the corner. It will be an attractive home and it will be a positive factor for the overall community. The benefit to the community will be the additional tax revenues and in a time of budget deficit probably add a measurable amount of tax receipts, somewhere around 4,000. It will help improve property values, an attractive home tends to raise the value of adjacent homes and construction provides jobs and income for local residents. I know everyone has a right to their objections, but this request will result in a home, not a business, not an eyesore and it's in the community of similar homes. It's unreasonable to expect land will be vacant forever for other people and that's our presentation.

MR. KANE: What size home is it that you intend on building?

MR. LAWRENCE: What size?

MR. MICKEY CASSISI: Maximum size will be 48 x 26 or 28, I mean.

MR. MICHAEL CASSISI: Town sewer and well.

MR. REIS: How many bedroom home is that?

MR. MICKEY CASSISI: Four.

MR. MINUTA: Is there enough distance from the proposed well from other wells and other sources?

MR. MICKEY CASSISI: That hasn't been engineered yet but I'm sure it can be worked out.

MR. REIS: You don't have an existing plot plan?

MR. MICKEY CASSISI: There is a plot plan that was submitted.

MR. MINUTA: But the well's not located?

MR. MICKEY CASSISI: No, the well's not located on that.

MR. MICHAEL CASSISI: As Mr. Lawrence pointed out, the nearest home is 100 feet away so there shouldn't be any problem locating the well.

MR. KANE: Let me ask one important question, what has changed on that piece of property and your design that wasn't there when you applied for the variance in 2001?

MR. LAWRENCE: Now I don't know that because at that time, that variance was requested by a different builder who had a contract on the land and I was not directly involved in the layout and I can't tell you what his specific request was.

MR. KANE: Do you have any plans as far as the layout of the building for that particular property what you're going to do?

MR. MICKEY CASSISI: Yes, I do. This is not the exact house but floor plan is going to be kind of the same, there won't be any porch cause there's not enough room. Anybody else like a copy? Like I be said before,

that's the maximum, I mean, I can shrink it down if I had to.

MR. BABCOCK: Mr. Chairman, with relation to the well, the applicant before these gentlemen did locate a well, had his engineer locate a well and I have a plan here showing that so a well will work on this property.

MR. KANE: Will work without an adverse affect to other wells in the area that we know of?

MR. BABCOCK: I don't know that but its separation distance from other wells have been met, this engineer's saying that.

MR. MINUTA: With regard to the subject property, could you give the history on its subdivision, its original subdivision? As I recall from our preliminary hearing, this was originally subdivided, what the year was I don't recall, but from my interpretation of what I heard last time basically this parcel was subdivided off and never used to build on.

MR. LAWRENCE: That's correct there, it was subdivided by my father and I think it was in mid '70s but I'm not exactly sure of that day, I'd have to go back in the records.

MR. BABCOCK: I got some information here on the deed which was recorded in 12/15/77.

MR. KANE: Was that a buildable lot at that time?

MR. LAWRENCE: He discussed that in the preliminary and I think it was determined that it was as I recall.

MR. BABCOCK: I would have to do more research on it but I don't think that the, I don't think if it went through in '77 I would assume it went through the proper channels to become a lot and if it did then it



would, either had to get a variance at that time if it didn't meet the zoning or to legally be created.

MR. MINUTA: The other, I have one more question regarding the subdivision, was that subdivided as a development or in other words subdivided for sale or subdivided as a right of ownership where you actually your father I assume actually lived on the property?

MR. LAWRENCE: My father lived on the property at that time and I don't know the specifics about the rest of it.

MR. MINUTA: Thank you.

MR. KANE: Okay, I think it's important at this time to open it up to the public at this point, seeing we have some people that have something to say, I will listen to what they say. Again, I ask you not to be repetitive and state your name when you start. We'll start right over here with this gentleman right over here.

MR. SMITH: My name is Everett Smith, I live at 25 Vascello Road, directly across the street from the lot, it may be 100 feet but I'm not so sure of that. I would like to correct one thing. The Cassis that are here tonight, all the gentlemen that are here tonight do not live locally as was presented before. The family does and they do live next door to the lot. I live across the street from the lot, their parents live next door. I would hope that the board does not give any allowances to existing codes for this piece of property. First of all, we have had water problems at my house in the past. Secondly, I believe that if you saw this property, you would see that a large portion of it is a hole that leads into a culvert, they have to place the house over to the left-hand side of the property in order to fit it. They do not have enough room on the property for the house, therefore, have to

ask for a variance because there's not enough property in the rear of it. I believe that if the house is built on that property, I'm going to suffer a depreciation of the value of my home and I hope that you give this serious consideration as has been done in the past.

MR. KANE: You mentioned some water, previous water problems?

MR. SMITH: I have had shortage of water occasionally at my house, yes.

MR. KANE: Any type of run-off problems or anything from that particular area to your property?

MR. SMITH: No, there are occasional flooding problems at the bottom of that, it's at the bottom of a hill, there's a culvert that goes under the road, leads onto it and through that property, there have been flooding problems on both sides of that culvert in the past.

MR. KRIEGER: Culvert is for the purpose of drainage?

MR. SMITH: No, there's a stream that goes, there's a stream, I don't know the name of it, I've lived there all my life, what's the name of that thing.

MR. MICKEY CASSISI: It goes into the lake which is a tributary that goes under Vascello Road, goes through that property, not through it, on the end of it.

MR. SMITH: Sometimes it's dry, sometimes it's flooded.

MR. KANE: And so you're opposed to this application?

MR. SMITH: I'm opposed, yes.

MR. SARDULO: My name is Wayne Sardulo, I live at 78 Beaver Brook Road, I'm about, my property is roughly

50, maybe 60 feet behind this property we're mentioning. My main concern is the water table. During the '80s, when we had a drought, the water table in my yard went down cause I sound it quite often, went down 11 feet and came back. Now it's down 30 feet from the houses being built around, actually, it's more people that they were summer homes and now they're year round homes and that's what I believe is part of it. I believe I disapprove on that alone I disapprove and I think they should save wells for legal sized pieces of property. Could you tell me what the legal size is right now?

MR. KANE: Not off the top of my head.

MR. SARDULO: Is it at least an acre?

MR. BABCOCK: 21,793.

MR. KANE: He's requesting about a third.

MR. BABCOCK: It's about a half acre.

MR. SARDULO: Just under a half acre, so, okay, the business about the subdivision, in 19, I subdivided in 1978, the Town Board told me that there was no and I have it here, they showed that it was a legal sized piece of property and if you say it's done in '77, that's okay, but the Town told me that there was they thought came up with some, was anybody here in '77 on the board? They told me they thought they were going to have problems there but they would never allow anybody to build on it, that it was being subdivided on speculation, that water and sewers were coming in, they knew sewers were coming in and they were speculating of making these small pieces of property on speculation, that water was going to come in and the Town Board told me because I had five acres I could have built a whole, they told me they would not allow me and they would not allow these pieces of small property to build on, so I

subdivided mine accordingly and they said it was totally, if they were smaller than the building lot in '77 was 43,560 was the building lot in '77?

MR. MICKEY CASSISI: No, it was a third of an acre.

MR. SARDULO: It's 4, it's right here on the specs.

MR. BABCOCK: The sizes of the lots over the years have changed and the one way that they were regulated in size is whether you had water and sewer and possibly when they subdivided this property, there wasn't sewer there so probably when they did do the subdivision, it was one acre cause regardless of water and sewer, if you didn't have it now, the 21,790, the credit there is because there's a sewer line there and if they had Town water there, they would meet the required size of the lot.

MR. MINUTA: So if this had Town water, 7,000 square foot lot would be fine?

MR. BABCOCK: Yes, they would have to reduce the size of the house or ask for setback variances based on what they're asking for tonight but as far as lot area, they would not have to be here if they had Town water.

MR. REIS: What was determined by that?

MR. KANE: Just looking at the subdivision.

MR. SARDULO: And it also changed in 1980 and '84 with smaller lots being subdivided out and I don't know how they did that but it happened and that's on both of these updates I'd say.

MR. KANE: We have a lot of parcels in New Windsor that we don't know how it got that way but trying to fix them now. So you're against this?

MR. SARDULO: I'm against it.

MR. KANE: You've had water problems in the past and in a drought situation?

MR. SARDULO: Yes, it goes down and I'm not the only one, other neighbors.

MR. KANE: Is that all you have to say at this point?

MR. SARDULO: Yes, I guess so.

MR. KANE: Thank you.

MS. LOVANO: I'm Judith Lovano, L-O-V-A-N-O, and I live at 66 Beaver Brook Road, which is across the brook from the property in question. Aside from the obvious misgivings that I have about having such a small property have a house built on it, I'm concerned about their back deck or back yard being really close to our property, my property and detracting from the value of our property. I'm also concerned about the water table problems in the whole area and I'm sure yet one more house would contribute to that obviously.

MR. KANE: You have a well on your property?

MS. LOVANO: Yes. The other very important issue for me is the whole back of our property is surrounded by Beaver Brook that runs into Beaver Dam Lake and the back, the back I guess 25 to 30 percent of our property is efficiently a flood zone so this property that they're proposing to build a house on part of the property as I understand it is an easement for drainage and there's a lot of drainage from up on that hill through a big gully that they described that comes directly down into Beaver Brook which then floods onto the back of my property. And so any change in drainage situation is going to definitely affect how far my back yard floods, how much of it is flooded. So those are

three concerns that I have and I'm against you doing this.

MR. KANE: Do you know of any, I don't have that tax map that shows any easements, do you know of any easements on that property?

MR. BABCOCK: Yes, there's a sewer easement.

MR. KANE: Can I see that?

MR. BABCOCK: Sure.

MR. KANE: Preliminary is just to give us an idea of what you want to do. This is the official hearing. Certain towns you go into, you go in cold, so you walk right in, you tell them what you want to do, they decide then and there. If you don't have the right information, basically, tough, that's the way they work. So I think with preliminary hearings just because it was brought up we're going to ask the same questions again.

MR. BABCOCK: That's the sewer line easement, they have a 15 foot construction easement on this side and these are the pipes the people are talking about.

MR. KANE: Is this the proposed house or we don't have anything?

MR. BABCOCK: Yes, we have, this is the earlier one, typically, it's the same thing basically.

MR. KRIEGER: Probably want to show that to the other members.

MR. BABCOCK: The area request is the same as last time.

MR. KANE: Actually, the area request is a little bit

more.

MR. BABCOCK: Well, we took the net area and took the sewer easement out of the square footage but actually, they have the land, they own the land.

MR. KRIEGER: For the record, what's the 7,353 foot minimum lot area, is that the variance amount that they're requesting or is that the actual?

MR. BABCOCK: That's what they're short including the easement.

MR. KRIEGER: Okay, what's the requirement?

MR. BABCOCK: 21,790 and their lot area's actually 15,318.

MR. KANE: Okay, that answers that question, ma'am.

MS. LOVANO: So that's all I have to say and I'm against your granting them the variance on a number of different bases. Thank you.

MR. KANE: Sir?

MR. CRUZ: My name is Joseph Cruz, I live at 74 Lakeside Drive and my property runs matter of fact right behind that property, it's a piece of property that goes from Schiavone Road all the way to Lakeside Drive and it's, they would be actually in my back yard, so anybody that would live there would be, end up using my property as their back yard because it goes right to the brook and comes down. And as far as water is concerned, every time I get more than three people visiting my house, I run out of water so it is a problem.

MR. KANE: How long have you lived there?

MR. CRUZ: Three and a half years, I know it would be a positive thing to have something built there, but it just has to have enough property to cover it.

MR. REIS: Your home is quite a bit on an elevation, is quite a bit higher than proposed home, correct?

MR. CRUZ: No, mine's actually at the bottom and I get all the water so when it rains, the water just comes all around my house right to the brook. That's all, thank you.

MR. KANE: Thank you very much, sir. Anybody else for this particular hearing?

MR. MICKEY CASSISI: I can add something when you get through.

MR. KANE: You're not part of the public. Okay, at this point, I'll close the public portion of the hearing, we'll bring it back to the board and the applicants. Myra, how many notices did we mail out?

MS. MASON: On the 16th of February, 33 envelopes containing the notice of public hearing were mailed out and I had no responses.

MR. KANE: Thank you. Sir?

MR. MICHAEL CASSISI: I guess the interesting piece that my parents live as close if not closer than anyone, there's six children in our family, 12 grandchildren, on Sundays, there's at least 25 people at our house and never have we ever run out of water. Going back as a child, the Smith family has always a had water problems, it's been kind of the known, so again, our well sits or my parents' well I should say sits no more than 25 feet from Schiavone Drive, which is at the, staring at the lot on Vascello Road, the right-hand side, and never, I'll ask Mickey if he



remembered, but never have we run out of water in any case.

MR. KANE: Okay, so it's your opinion that if this was allowed and a new well was put in that it wouldn't have any adverse affect on the other wells in the area?

MR. MICHAEL CASSISI: I think you'd have to be an engineer to check. There's obviously a stream behind it, behind the property which probably adds to the water system within that area.

MR. KANE: Okay, next obvious question is cutting down substantial trees and shrubbery to build this particular building?

MR. MICKEY CASSISI: You have to cut down some, I guess.

MR. LAWRENCE: There's no particular, as you can see from these pictures, there's no particularly large trees, they're mostly short small trees, minor diameter.

MR. KANE: Can you describe the area for the record? Can't get that picture into the record. It's a wooded area?

MR. MICKEY CASSISI: Yeah, small type trees, no more than probably 6 inches, seven inches in diameter. The biggest I'd say and I don't understand how this gentleman here, Mr. Cruz has the property behind that property cause that's where the easement is, the sewer easement, so I didn't understand how it comes into play with his property.

MR. CRUZ: I go all the way to the corner.

MR. MICKEY CASSISI: I can show you a picture of--

MR. MICHAEL CASSISI: I guess the point is is that if anyone would be playing in the back yard would they not be playing in the easement area before they'd be playing on your area?

MR. CRUZ: No, playing on my property before the easement area cause the easement is right off the corner.

MR. MICKEY CASSISI: This is one of the views of the property.

MR. MINUTA: Which property is actually Mr. Cruz's?

MR. KANE: Mr. Cruz, would you step up for a minute to show Joe on the map where your property is?

MR. CRUZ: Yes.

MR. KANE: Thank you.

MR. CRUZ: You're welcome.

MR. KANE: Yes?

MR. LAWRENCE: The senior Cassisi could not be here tonight because of health, but they wrote a letter and I hope you would accept that letter.

MR. KANE: I'm going to read that into the record. "To Whom It May Concern: I'm writing to inform you that my husband and I are unable to attend the zoning board meeting on March 8 due to my husband's health issues. We're spending a couple weeks in Florida as a time to recuperate. My husband, Dominick and I have no objection to the variance on Mr. Lawrence's lot. Signed Camille Cassisi and Dominick Cassisi, Sr." .  
Okay, questions.

MR. MINUTA: Just one final question. I don't know if

you touched upon this. Is this house being proposed for your own use or for sale?

MR. LAWRENCE: It's for sale.

MR. MINUTA: Thank you.

MR. KANE: Michael?

MR. REIS: I'm just wondering if there's anything that the applicants can express to the neighbors that their particular concerns, how you can respond to those concerns to alleviate the problems?

MR. LAWRENCE: Well, I think on the issue of their property being used for a playground, I believe that's the best we can do is to inform people of their property lines and make sure they adhere to them. Being a wooded area like that, if there are children in both areas, they're going to play on that land and it would be up to the homeowners at that time to make sure that that's not a problem. We can't build a fence there or a concrete fence to keep kids out. But I believe that that won't be a problem, most people are pretty responsible in this type of area normally. On the water issue, that lot, I know my father owned that and he had to re-drill a well on that property, it's a known fact that the water table's a problem. I know he went down quite a ways and I don't, matter of fact, at the time he re-dug that well, there was a pretty high flow and this is quite a while ago. We would make sure that when we selected a site that it was as far away from there as possible to minimize any interaction that there might be. We're closer to that stream and if there's underground water associated with that stream then that would definitely assist the problem and of course we'd speculate on that issue. The drainage area, the drainage issue I think that lot speaks for itself, it's actually higher than the drains, the area that that home is going to be built on, it's not going

to be a problem for that home for drainage and because of its proximity to that stream, we can make sure that the runoff from the house pretty well is directed there so as not to impact on, I think we can take care of that.

MR. MICKEY CASSISI: Yeah, that's the low point.

MR. LAWRENCE: In the building, so I don't believe that will be an issue. We can grade it so that it favors the runoff to the stream.

MR. REIS: Do you have any statistics or anything to substantiate how much fill you've got to bring into the lot?

MR. MICKEY CASSISI: I don't believe there's going to be much fill at all because the garage will be underneath the house on one corner so that drive will come in low, come around, I don't think you need much fill.

MR. KANE: Steve?

MR. RIVERA: You're proposing a four bedroom home, three bedroom, would that suffice?

MR. LAWRENCE: Three bedroom would suffice, we'd be very pleased with an approval for a three bedroom.

MR. MICKEY CASSISI: This plan is 40 x 28, the variance we're going for on the application is 48, so it doesn't have to be 48.

MR. LAWRENCE: If a three bedroom would be palatable, we'd certainly be pleased to accept that.

MR. REIS: Has it been determined where your driveway's going to come in?

MR. MICKEY CASSISI: No, it hasn't been laid out that way, but it would be looking at the lot it would be on the right side.

MR. REIS: From Vascello or Schiavone?

MR. MICKEY CASSISI: Vascello, you'd have to cross over the stream to get from Schiavone and that wouldn't work.

MR. SMITH: If you look at that lot, there's a huge part of that lot that's a big hole leading into that culvert, I don't understand how a driveway can be put on the right-hand side leading without getting into water when it's flooded, when that culvert is operating and you're going to get a driveway going into the bottom of the house?

MR. MICKEY CASSISI: Well, there's the picture of the culvert there probably at maximum now with the spring.

MR. SMITH: Not yet.

MR. KANE: Just so we get it straight, the public portion of the hearing has been closed but I'm going to allow this questioning to go through because I think it's relevant and we'll hold it like that, okay, cause technically, I'm not even sure I can do that.

MR. LAWRENCE: This is the area where the driveway is.

MR. KANE: Can you address it to Mr. Smith.

MR. LAWRENCE: This is the area where the driveway would be coming in, its not over that culvert at all, we're going to be higher than that and we're going to come up into that area.

MR. KANE: Can we bring the conversation to part of the record?

MR. LAWRENCE: I'm sorry.

MR. KANE: Thank you.

MR. LAWRENCE: We were discussing this area of the driveway which is on the, what compass direction is that, I'm not sure?

MR. SMITH: It's difficult in the photograph to see the property and how it slopes down but you can somewhat see it in the photograph, you can see the slope and where they're proposing a driveway is really almost over the culvert because it comes in at an angle from under the road at an angle toward their driveway and then goes around and it will end up in the stream behind the house. But that whole general area to the right-hand side will flood out in the heavy times and as far as the water's concerned, I can't throw that in general but that's many times a major problem, we've had water over the road that that stream gets so high it goes over the road.

MR. MICKEY CASSISI: That's because the culvert pipes get clogged up and it has no place to go but over the road.

MR. SMITH: They have redone them, we have also seen kids in there and everything else. But so they're big now but they still, it still gets flooded out, goes over the road in the heavy times when you've had a season where there's been a lot of snow, a lot of rain, I think it's very flooded.

MR. LAWRENCE: Isn't this higher than your parents' house this area?

MR. MICKEY CASSISI: Yes.

MR. LAWRENCE: Your parents' house doesn't get flooded

out, does it?

MR. MICKEY CASSISI: No.

MR. LAWRENCE: This area is higher than the Cassisi's home and it does not, the home doesn't get flooded so I'm--everybody hear me? The area that we're talking about is higher than the Cassisi land that's across the street and if there was going to be any flooding over the road, it would flood out their place and that does not happen.

MR. MINUTA: Would I be correct in making the assumption that the culvert on the other side would be diverting that water so that the property would not be flooded on the other side of the road?

MR. LAWRENCE: I don't know, if it were a real problem, you would expect that the water would flood and go over the road and then be taken care of anyway since that property is actually higher, the area we're talking about is higher than that stream area.

MR. MINUTA: I can see that if the culvert wasn't, had some sort of blockage that it might overflow. My real issue with this site is there seems to be a lot of issues with this site, contour wise flooding, different water table situations and we're going off of a lot of speculation as to what may be or what may not be and without hard evidence, it's very difficult for me to make a decision on this, to say that we're making the correct decision and assumption for the size of the lot with the house that's being proposed.

MR. LAWRENCE: What kind of engineering would you like to see?

MR. MINUTA: Well, if the water table could be documented somehow that we would understand what type of impact placing this house would have on the area

that may be one, whether something could actually be engineered for that or not.

MR. LAWRENCE: That would be fairly expensive.

MR. MINUTA: I'm unsure of the expense, maybe cost prohibitive for you. And as far as the contour is concerned, is any part of this land, obviously there's a depression in the land and that tends to become wet and overflows as was just stated?

MR. LAWRENCE: Not to my knowledge. When I was a child, youngster on that land, I spent a lot of time on that land, there was no time that that land was ever flooded and I used to spend a lot of time in those woods back there and at no time did I ever see that land covered in water.

MR. KANE: Michael, anything else?

MR. LAWRENCE: I lived on that property from 1955 to '62 and there was never a problem of flooding on that piece of property.

MR. MICHAEL CASSISI: The pictures may be a little bit, would it be an idea for the board to visit that piece of land to take a look at it themselves?

MR. KANE: Well, let me just finish and I'll tell you what I think. Steve, do you have any questions?

MR. RIVERA: No, we're going on speculation a lot, there's no impact studies, you don't have any concrete evidence.

MR. BABCOCK: Mr. Chairman, maybe I can clear up the driveway a little bit.

MR. KANE: That's where I'm going to go, let Steve finish, what I don't see in front of me, I don't see



any drawings as to where the house is going to be placed, just something from the last 2001 sheet, we don't know where the driveway's going to go, we have some water issues that we're not a hundred percent sure of. So there's nothing that's been presented that says this is going to be here, here and here, and that doesn't give us enough information to make an informative decision.

MR. MICKEY CASSISI: This was filed with the preliminary.

MR. KANE: I understand that and what this says is this is a proposed house that's 22 foot from one side, 40 feet from the other and whatever numbers down here, doesn't give me a lot of specifics, there's no driveway on there.

MR. MICKEY CASSISI: Those are the setbacks, I know.

MR. KANE: When they come in we see some detailed plans that we can make an informative decision on, this is a very, very difficult lot, it's been here before, the neighbors have some very good concerns, okay, and I think we need to address that. I think what we have here is also a board that likes to see people be able to use their property and not pay taxes forever on something that they're not getting a return on. My, what I would offer at this point is to actually possibly table the vote at this point and bring you back to another meeting where you can present some more information, I just don't see it right here to make an informed decision and that would be the only thing that I can put out there. If my fellow board members agree with me, I don't see enough that makes me want to change my mind from what I voted on in 2001 and I don't see a set plan and that part bothers me.

MR. LAWRENCE: We would accept that and just that portion to come back and have a--

MR. KANE: Show me what's going to go on with the building exactly and if you can during that time, I mean, I'm not asking you to go out to spend tens of thousands of dollars, you may not be able to recoup but we really do need to take a look at the water issue and get some more information. So I want to see you guys be able to do or anybody use that property and not just pay taxes forever and not be able to do anything but also do have concerns about the water and the neighbors that are in there, they're your neighbors.

MR. MICKEY CASSISI: Well water?

MR. KANE: And the drainage too, there's a big hole in there, there's a stream there, you're going to be directing things a lot that way, so you should, well, water drainage where the home is and driveway's going to go, topography.

MR. MINUTA: Absolutely. Michael, what's the minimum for driveways, is that 10% slope?

MR. BABCOCK: Yeah, that's what I was going to offer about the driveway, maybe what they can do is stake out where you think you're putting it, meet with the highway superintendent, see if he'll approve that location and then you can get something from him and this way, the board will be at ease that you're going to get, because quite honestly, they can't get a building permit unless they get a driveway permit, that's one of the requirements, so they would have to meet with the highway superintendent and satisfy him to be able to go on to that property before they can even get a building permit.

MR. KANE: The other thing with this proposal if you guys want us to table this and we'll take a vote on that, we'll vote on it now if that's agreeable but also at, I'm also at that point going to reopen the public

portion of the hearing so the public can speak and hear your ideas again and go at it, I think it's important, I think it's important for your neighbors that are right there, I think it's important for us to take our time and take a real serious look at this, so that you can develop the property if it's able to be developed. That's where I stand on, that's my feelings on it.

MR. REIS: I've got another question, please. Mike, has it been determined the property's in a flood plain or not?

MR. BABCOCK: No, it has not been, unless these gentleman have done it.

MR. MINUTA: It has not been determined?

MR. BABCOCK: It has not been determined.

MR. REIS: Do you know if it's in a flood plain the property?

MR. LAWRENCE: Well, I know for sure that the other part of that property is not in the flood plain and it's not that much different.

MR. KANE: Again, we need really all the information to make an informed decision. I don't want to sit here and say no but with what I have now, that's the way I feel but I want you guys, I'm really an advocate of being able to use your property.

MR. LAWRENCE: Well, we're willing to go the extra mile and to give you the, to get engineering data that's necessary. I'm not sure about the well, we'll have to see what we can do creative on the well with you but as far as--

MR. KANE: I'm going to reopen the public on that portion and we'll take it up then.

MR. LAWRENCE: Can you give us a date?

MR. KANE: When you feel you're ready to go, you get in touch with Myra, she'll put it on and we'll get the information out.

MR. KRIEGER: I would suggest then the motion would be to table without date.

MR. MINUTA: Mr. Chairman, the next step is possibly help them along engineering data, topography, whatever you can provide us the make an informed decision with hard core facts is what we're looking for at this point.

MR. REIS: Need to motion to table?

MR. KANE: Without a date and what I need you to do then is gather your stuff and submit to Myra that you are ready to come back and she'll get a date and we'll get it back out in the newspaper so everybody is aware of when we're going to do this. Do we have a motion? All you have to do is say--

MR. REIS: I make a motion that we table the public hearing for another public hearing to be determined when the applicant provides the information that we need.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE
MR. REIS	AYE

MR. KANE: Thank you.

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Michael Cassini - 03-63

DATE: 3-8-04

SIGN-IN SHEET

	NAME	ADDRESS
1.	Judith S. Lovano	66 Beaver Brook Rd.
2.	Joseph Cruz	74 Lakeside Drive
3.	Wayne Sardullo	78 Beaver Brook rd.
4.	EVERETT SMITH	25 VASCELLO RD.
5.		
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20.		

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MICHAEL CASSISI (FOR VINCENT LAWRENCE)

AFFIDAVIT OF  
SERVICE  
BY MAIL

#03-63

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 16TH day of **FEBRUARY, 2004**, I compared the 33 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

16<sup>th</sup> day of February, 2004

J. P. Gallagher  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-63**

**Request of MICHAEL CASSISI**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

**7,353 ft. Minimum Lot Area (R-4 C7) and;  
10 ft. Rear Yard Setback (R-4 G7)**

**For proposed house on Vascello Road in an R-4 Zone**

**known and designated as tax map Section 57 Block 1 Lot 65.21**

**PUBLIC HEARING will take place on MARCH 8, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael Kane", written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

January 14, 2004

3/8/04

Michael Cassisi  
Albany, NY

Re: 57-1-65.21 Vincent Lawrence

Dear Mr. Cassisi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley (JTD)

J. Todd Wiley, IAO  
Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA



57-1-41.22

Khavidi Nimoni  
82 Lake Side Drive  
New Windsor, NY 12553

57-1-42

Richard & Jean Mycka  
56 Beaver Brook Road  
New Windsor, NY 12553

57-1-48.1

Joseph Lovano  
Judith Silverman  
66 Beaver Brook Road  
New Windsor, NY 12553

57-1-48.2

Wayne & Charlene Sardullo  
78 Beaver Brook Road  
New Windsor, NY 12553

57-1-51

Frank Lombardi  
87 Beaver Brook Road  
New Windsor, NY 12553

57-1-59

Michael & Holly Monahan  
16 Vascello Road  
New Windsor, NY 12553

57-1-61.1

Thomas & Patricia Calebotta  
19 Schiavone Road  
New Windsor, NY 12553

57-1-61.2

Robert & Angela Nardo  
21 Schiavone Road  
New Windsor, NY 12553

57-1-61.3 & 57-1-62

Dominick & Camille Cassisi  
20 Vascello Road  
New Windsor, NY 12553

57-1-61.4

Mark & Lynn Feldman  
20 Schiavone Road  
New Windsor, NY 12553

57-1-61.5

Thomas & Rosemary Jannazzo  
18 Schiavone Road  
New Windsor, NY 12553

57-1-63

John & Mary Hyde  
62 Lake Side Drive  
New Windsor, NY 12553

57-1-64

Raymond & Mary Ellen Muscarello  
68 Lake Side Drive  
New Windsor, NY 12553

57-1-65.22

Edward, Eleni & Joseph Hanley  
60 Lake Side Drive  
New Windsor, NY 12553

57-1-66.1

Gary & Theresa Gawricki  
Raymond & Geraldine Marin  
58 Lake Side Drive  
New Windsor, NY 12553

57-1-66.2

Joseph, Theresa & Elaine Schiavone  
35 Vascello Road  
New Windsor, NY 12553

57-1-67.1 & 57-1-67.2

Everett & Mary Smith  
27 Vascello Road  
New Windsor, NY 12553

57-1-67.3 & 57-1-69 & 57-1-70

Audrey Gazzola  
21 Vascello Road  
New Windsor, NY 12553

57-1-68

Archibald & Patricia Graham  
18 Vascello Road  
New Windsor, NY 12553

57-1-74.2

Carmen & Luis Chaparro  
48 Lake Side Drive  
New Windsor, NY 12553

57-1-74.3

Robert & Amy Dragos  
46 Lake Side Drive  
New Windsor, NY 12553

57-1-75.1

Robert & Janet Bentkowski  
44 Lake Side Drive  
New Windsor, NY 12553

57-1-113.1

Thomas & Lucinda Retcho  
42 Lake Side Drive  
New Windsor, NY 12553

57-1-113.2

Terrence & Jeannette Retcho  
40 Lake Side Drive  
New Windsor, NY 12553

57-1-114

Alexander Cruz  
74 Lake Side Drive  
New Windsor, NY 12553

60-1-1

County of Orange F/B/O Beaver Dam Lake  
Protection & Rehabilitation District  
265 Main Street  
Goshen, NY 10924

60-1-2

Natalia Frid  
65 Lake Side Drive  
New Windsor, NY 12553

60-1-3 & 60-1-4.1

Gregory & Ramona Agresti  
57 Lake Side Drive  
New Windsor, NY 12553

60-1-4.2

Gary & Eileen Bromm  
55 Lake Side Drive  
New Windsor, NY 12553

60-1-5

Alan Pearson  
53 Lake Side Drive  
New Windsor, NY 12553

60-1-6

Daniel & Karen Smith  
49 Lake Side Drive  
New Windsor, NY 12553

60-1-7

Edward & Joan Swider  
47 Lake Side Drive  
New Windsor, NY 12553

60-1-8

Robert & Joan Anderson  
45 Lake Side Drive  
New Windsor, NY 12553

TOTAL CHARGES:

**TOWN OF NEW WINDSOR  
ENGINEER, PLANNING BOARD  
AND ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: ZONING BOARD MEMBERS**

**FROM: MYRA MASON, SECRETARY TO THE ZBA**

**DATE: FEBRUARY 24, 2004**

**SUBJECT: CASSISI REQUEST FOR VARIANCE**

At the March 8<sup>th</sup>, 2004 ZBA meeting we will hold a public hearing for Mike Cassisi's request for variance on a property located on Vascello Road (tax map #57-1-65.21).

Please find attached, for your reference, the Formal Decision for a variance request for the same piece of property which was denied on August 13<sup>th</sup>, 2001.

Some of the neighbors in the area of this property have questioned the fact that there has been another request for variance on a property that has already been denied.

I thought you might like to review this information prior to the Public Hearing on March 8<sup>th</sup>. If you have any questions or need any further information, just give me a call....

See you on the 8<sup>th</sup>...

Myra

Cc: Mike Babcock, Building Inspector

In the Matter of the Application of

VINCENT LAWRENCE/KENNETH LORENZEN

MEMORANDUM OF  
DECISION DENYING  
AREA VARIANCES

#01-20.

WHEREAS, VINCENT LAWRENCE, 78 Golden Eagle Lane, Littleton, Colorado 80127, owner, and KENNETH LORENZEN, 274 Craigville Road, Goshen, N. Y. 10924, have made application before the Zoning Board of Appeals for a 6,472 sq. ft. lot area and 9 ft. rear yard variances for construction of a single-family residence on Vascello Road in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of June, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of the Application; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, the three spectators spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property, currently vacant, located in a neighborhood containing one-family homes.

(b) Applicant seeks variances to construct a single-family residence on the property.

(c) The lot area variance request is based not only on the size of the lot, but also on the fact that a sewer easement intersects the lot.

(d) The Applicant seeks a variance in excess of 33% of the required area.

(e) The Applicant proposes, if the variances are granted, to use municipal sewer service. The rear yard variance sought is for the purpose of constructing a deck of the approximate size of 12 ft. x 12 ft. on the rear of the house. One speaker at the meeting submitted a number of letters from neighbors objecting to the Application.

(f) The persons who spoke in opposition to the Application cited the fact that the lot is substantially smaller than those in the neighborhood, construction might effect a stream going through the property, the contour of the property is very steep.

(g) Another person spoke citing in addition to the concerns listed above, the likelihood toward flooding.

(h) The lot was apparently created in 1977 as a result of the subdivision.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will produce an undesirable change in the character of the neighborhood and will create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations and are not warranted for the reasons listed above.
4. The requested variance may have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is not self-created.
6. The benefit to the Applicant, if the requested variances are granted, does not outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are not appropriate.
8. The interests of justice will not be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor DENY a request for a 6,742 sq. ft. lot area and 9 ft. rear yard variance for construction of a single-family residence on Vascello Road in an R-4 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED,** that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicants.

Dated: August 13, 2001.

  
Chairman

January 12, 2004

3

PRELIMINARY MEETINGS:

MIKE CASSISI (FOR VINCENT LAWRENCE) (03-63)

Mr. Michael Cassisi, Mr. Mickey Cassisi and Mr. Vincent Lawrence appeared before the board for this proposal.

MR. KANE: Request for 7,353 ft. minimum lot area (R-4 C7) and 10 ft. rear yard setback (R-4 G7) for proposed house on Vascello Road in an R-4 zone. I would ask that you just speak loud enough so the young lady over there can hear you.

MR. MICHAEL CASSISI: I'm the applicant for the permit and along with me is the builder and also the owner of the lot.

MR. MICKEY CASSISI: You should state that the square footage may be wrong on that, I think it was added up improperly.

MR. MICHAEL CASSISI: On this sheet, which is the application for the variance, it adds up here, smaller number here, we're going for 6,000.

MR. KANE: You want to check the numbers there?

MR. BABCOCK: What numbers are you saying you have? Who wrote these numbers?

MR. MICHAEL CASSISI: They were written up by the person that sent me that.

MS. MASON: They're off the denial.

MR. BABCOCK: They're exactly the same numbers I have here.

MR. MICHAEL CASSISI: It comes up to this number which is 6,000.

January 12, 2004

4

MR. BABCOCK: In other words, we subtracted wrong?

MR. MICHAEL CASSISI: Correct, so we're going for a variance of 6,472 rather than the 7,353.

MR. BABCOCK: Yeah, we have in the file if you see this one here, it was 6,472 square feet, there's an easement on the property, so it got deducted. That was a last time applicant, there's a cross easement that goes across the part of the property and that gets deducted the land is there.

MR. MICHAEL CASSISI: So we're still going for the 7,353?

MR. BABCOCK: Yes.

MR. KANE: Because we deduct the easement from it.

MR. BABCOCK: Here you go.

MR. MICHAEL CASSISI: Just wanted to make sure.

MR. KANE: Okay, so proceed to tell us what you'd like to do.

MR. LAWRENCE: We request a variance for the square footage of the setback on one basis of a hardship because I'm the son of Vincent Lawrence who originally subdivided this property back in the late '70s and we have been paying property taxes which I have copies of if you'd like to have since that time, including the sewer and all the appropriate--so I think the legal term that we're under here is a hardship. Is that correct?

MR. KANE: Okay.

MR. LAWRENCE: And a request for the variance for the,



for that setback and the square footage. As far as I understand it, this property was subdivided by my father, again, in the late '70s. My understanding from him was that what that property was close to at that time an acceptable building lot.

MR. KANE: Was the easement there at that time or has that come in since then?

MR. LAWRENCE: No, the easement I think has come in since that time when the sewers went in in the late '70s.

MR. KANE: And you made a, maybe not you particularly but there was an application for this in 2001?

MR. LAWRENCE: Yes, there was a potential builder that had proposed to purchase the property from me and made the application, that's correct.

MR. KANE: Okay.

MR. LAWRENCE: Do you know why that was?

MR. KANE: I don't have those notes right in front of me but before the public hearing, I will see a copy of it so I understand what went on. I just don't remember that far back, I was here but, you know, getting old.

MR. LAWRENCE: I have that problem myself.

MR. KANE: Do you know the house that you're proposing to build on the lot now, is that similar in size to the house you were trying to build back that?

MR. LAWRENCE: Yes and we measured the house and we have a plan of it here or the footprint of it and it's very similar, it's actually on the back of that document and this was--

January 12, 2004

6

MR. KANE: Because of the easement, Mike, no matter where they place a home on this, they would be looking for side and rear?

MR. BABCOCK: Actually, they're just looking for a rear yard lot area and rear yard.

MR. KANE: And the house width is 28 feet that you're proposing to build?

MR. BABCOCK: Yes, 28 x 48.

MR. KANE: So taking the ten would mean an 18 foot wide house which isn't really reasonable.

MR. MICKEY CASSISI: No, not really.

MR. KANE: Gentlemen, questions?

MR. MINUTA: Town water and sewer?

MR. MICKEY CASSISI: Yes.

MR. BABCOCK: Well, it's, actually, I'm not sure about the water, it's town sewer and if there's water, it would be Beaver Dam Lake water or a well.

MR. MINUTA: And the original subdivision of this when this was originally subdivided, was this divided as a flag lot or--

MR. LAWRENCE: I don't know, I was not party to that.

MR. MICKEY CASSISI: There's plenty of road frontage there, right?

MR. KANE: Yeah.

MR. MINUTA: But the square footage of the property is, what was the actual square footage, what did that come

January 12, 2004

7

up to be?

MR. LAWRENCE: Of the entire lot the way it is now?

MR. MINUTA: Yes.

MR. BABCOCK: It's 15,318 square foot.

MR. LAWRENCE: Thank you.

MR. MINUTA: Thank you.

MR. KANE: And this was divided back in the '70s so it's approximately 30 odd years it's been at that size?

MR. LAWRENCE: Right.

MR. MINUTA: Mike, what's the minimum required area now?

MR. BABCOCK: 21,790.

MR. MINUTA: Okay.

MR. MICKEY CASSISI: Being that it was done so long ago, would that be a pre-existing condition?

MR. KANE: No.

MR. MICKEY CASSISI: How come?

MR. KANE: The lot area itself but that doesn't mean that you could build something on there, you still have to get those particular variances. If there was a building on there right now that was back then I guess predating 1966?

MR. BABCOCK: Right.

MR. KANE: Then that building would predate to any

zoning and you would be grandfathered in. But if there's no building on that particular property while the property size is as it is, then we would have, you'd have to come get a variance for it, putting some kind of a building on there that doesn't meet the requirements or a use variance if it didn't meet the use in that particular zone.

MR. MICKEY CASSISI: So when it was subdivided originally wouldn't it be subdivided to a certain amount of specifications?

MR. KANE: After any particular changing, correct me if I'm wrong, Andy, any particular change in the zoning you have up to two years?

MR. BABCOCK: Three years.

MR. KANE: Three years after that particular zoning change to build something within there and still say that hey, you were part of the old zoning law grandfathered in for three years.

MR. LAWRENCE: I'd like to note that as other circumstances this particular house on this lot would not interfere with any other buildings in the area. It's sort of on a peninsula and so it's not going to be very close to any other structure in the area. So it would not impact any neighbor.

MR. KANE: That, we, you know, will handle all that in the public hearing, just trying to get a feel for it. Personally, my own feeling I'd like people to use the property they're paying taxes for, we want to make sure you're going within reason of what's going on in that particular neighborhood.

MR. REIS: Mike, excuse me, I feel I should disclose that I am dealing with the Cassisi family, not these two particular fellas, but members of their family,

okay, in no way would involve me to have any kind of reflection on this particular application.

MR. KANE: On a non-serious note, stand in the corner. That's fine, we still have a quorum with three. Are you going to recuse yourself or just want to acknowledge that you have dealings?

MR. REIS: Just acknowledge it. Also, Mike, do we have any other issues that we have to deal with being that we have a corner lot here?

MR. BABCOCK: No, no, it meets the corner lot setback because of the easement, they set it back, that's one of the reasons that they're going so far back, they're 40 feet off Vascello Road.

MR. KANE: Which they have to be so either way they would be five in the front, five in the back or ten.

MR. BABCOCK: Or ten in the back.

MR. KANE: So it's better off at the front of the road, I think the biggest hurdle it's about 1/3 as far as square area. Any other questions in the preliminary, any of you guys need for the public?

MR. MINUTA: Just a question, is this for resale or for your own use?

MR. LAWRENCE: This would be a joint venture with the Cassisi brothers here to build a home.

MR. KANE: To build and sell?

MR. LAWRENCE: Yes.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

January 12, 2004

10

MR. REIS: Make a motion that we set up Cassisi for their requested variances at Vascello Road for a public hearing.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: So we'll repeat this whole process again in depth in the public hearing. Everything we have to do is in the public, so in New Windsor, we do it in a preliminary so we can get an idea. All the information is right on there. Have a good evening.



RESULTS OF Z.B.A. MEETING OF: January 14, 2004

PROJECT: Michael Cassese ZBA # 03-63  
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RS S) RV VOTE: A X N 0  
RIVERA A  
MCDONALD A  
REIS A  
MINUTA A  
KANE A  
CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA  
MC DONALD  
REIS  
MINUTA  
KANE

CARRIED: Y N

<u>Find records of first variance request 2001</u>
<u>House is 28x48</u>
<u>Subdivided in the 1970's</u>



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

February 16, 2004

Michael M. Cassisi  
P.O. Box 10456  
Albany, NY 12201

SUBJECT: REQUEST FOR VARIANCE #03-63

Dear Mr. Cassisi:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

VASCELLO ROAD  
NEW WINDSOR, NY

is scheduled for the MARCH 8<sup>TH</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

December 30, 2003

Michael M. Cassisi  
P.O. Box 10456  
Albany, NY 12201

SUBJECT: REQUEST FOR VARIANCE #03-63

Dear Mr. Cassisi:

This letter is to inform you that you have been placed on the January 12th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Vascello Road  
New Windsor, NY  
57-1-65.21

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**Mr. & Mrs. Dominick Cassisi  
20 Vascello Road  
New Windsor, NY 12553  
845-496-7442**

March 3, 2004

*To Whom It May Concern:*

*I am writing to inform you that my husband and I are unable to attend the zoning board meeting on March 8, 2004. Due to my husband health issues we are spending a couple of weeks in Florida to give him time to recoup.*

*My husband Dominick and I have no objections to the variance on Mr. Lawrence's lot.*


*If there are any questions or concerns, please call me at my home number after March 12, 2004.*

*Thank you.*

*Sincerely,*



*Camille Cassisi*



*Dominick Cassisi, Sr.*

*Received 3/8/04 at  
meeting*

**Mr. & Mrs. Dominick Cassisi**  
**20 Vascello Road**  
**New Windsor, NY 12553**  
**845-496-7442**

March 3, 2004

*To Whom It May Concern:*

*I am writing to inform you that my husband and I are unable to attend the zoning board meeting on March 8, 2004. Due to my husband health issues we are spending a couple of weeks in Florida to give him time to recoup.*

*My husband Dominick and I have no objections to the variance on Mr. Lawrence's lot.*


*If there are any questions or concerns, please call me at my home number after March 12, 2004.*

*Thank you.*

*Sincerely,*



*Camille Cassisi*

  
*Dominick Cassisi, Sr.*

*Received 3/8/04 at meeting*

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#16-2004**

01/07/2004

Cassisi, Michael *ZBA 03-63*

Received \$ 50.00 for Zoning Board Fees, on 01/07/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



A 201

Standard & S.T.P. Form 201  
Revised 6/84 and 10/88 current edition printed 10/88 by Hill N-Dale Abstracters, Inc.

DATE CODE

HILL N-DALE ABSTRACTERS, INC. LAW BLANK PUBLICATIONS

R-2845

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 10<sup>th</sup> day of July, nineteen hundred and eighty-five  
BETWEEN

VINCENT L. LAWRENCE, residing at Box 490A, Wolf's Corner Road,  
RD47, Newton, Sussex County, New Jersey, 07860,

party of the first part, and

VINCENT J. LAWRENCE, residing at No. 15,700 E. Marmouth Place,  
Aurora, Adams County, Colorado, 80015,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100 dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, County of Orange and State of New York,  
and more particularly described as follows:

BEGINNING at a point on the northerly side of Vascello Road which is located  
S 68° 15' E distant 286.95 feet from the northeasterly intersection of  
Vascello Road and Lakeside Drive and running thence N 46° 27' E 59.30 feet to  
a point, thence S 50° 33' E 7.07 feet to a point; thence N 40° 39' E 70.0 feet  
to a point, thence S 49° 21' E 138.59 feet to a point, thence S 21° 45' W  
72.24 feet to a point on the northerly side of Vascello Road, thence along the  
northerly side of Vascello Road N 68° 15' W 195.0 feet to the place of beginning.  
Containing 15048 square feet.

2382 n 220

03-63

NOV-16-00 THU 08:31 PM

HILL N-DALE ABSTRACTERS

FAX NO. 914 288 581

P.02

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 15 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*[Signature]*

*[Signature]*

Vincent L. Lawrence

1812382 re 221

03-63

NOV-16-00 THU 08:32 PM

HILLMAN-DALE ABSTRACTERS

FAX NO. 914 280 581

P. 03

STATE OF NEW YORK, COUNTY OF Orange

On the 10th day of July 1985, before me personally came VINCENT L. LAWRENCE

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Betty A. Gilbert*  
Notary Public

BETTY A. GILBERT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES MARCH 30, 1986

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came  
to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came  
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to me the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No.

VINCENT L. LAWRENCE

TO

VINCENT J. LAWRENCE

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

RECORD AND

RETURN BY MAIL TO:

DANIEL J. BLOOM, ESQ.  
P.O. Box 4323  
New Windsor, NY, 12550

Zip No.

Enc.

Reserve this space for use of Recording Office.

2382 to 222

Exempt  
REAL ESTATE  
JUL 12 1985  
TRANSFER TAX  
ORANGE  
COUNTY NY

Dutchess County Clerk's Office  
Records on the 10th day of July 1985 at 1:22 PM  
at 1:22 PM  
and Examined.  
*Maria L. Murphy*

03-63





TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE



8/20/03

Date

Application Type: Use Variance ☒ Area Variance ☒

Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: ( )

Vincent J. Lawrence

Fax Number: (303) 792-9786

(Name)

76 Golden Eagle Lane Littleton, CO 80127

(Address)

II. Purchaser or Lessee:

Phone Number: (518) 805-8606

Michael M Cassisi

Fax Number: (518) 842-8705

(Name)

P.O. Box 10456 Albany NY 12201

(Address)

III. Attorney:

Phone Number: ( )

Fax Number: ( )

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ( )

Fax Number: ( )

(Name)

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: Vascello Rd (Vacant)

Lot Size: 15,318 Tax Map Number: Section 57 Block 1 Lot 6521

a. What other zones lie within 500 feet? Residential.

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? 1977

d. Has property been subdivided previously? NO If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? No

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

TOWN OF NEW WINDSOR

DEC 29 2003

ENGINEER & PLANNING

03-63

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

Section 57, Table of -1-65.21 Regs., Col. vacant lot./corner lot

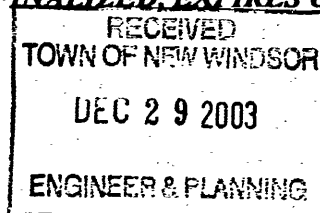
	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	<u>21,790</u>	<u>15,318</u>	<u>7,353</u>
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	<u>40'</u>	<u>30'</u>	<u>10'</u>
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**03-63**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

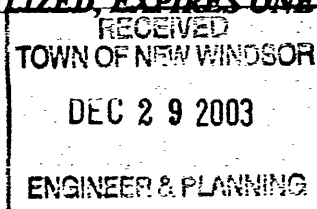
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

This lot has been owned by me for more than 15 years. The original building approved lot size was \_\_\_\_\_ 4. Should be grandfathered to the original building dimensions. In addition, each year, I have paid taxes on this lot and they are current.

**PLEASE NOTE:**

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**03-63**

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Vincent Lawrence, deposes and says that he resides  
(OWNER)  
at 76 Golden Eagle Lane, Littleton, CO 80127 in the County of (Orange)  
(OWNER'S ADDRESS)  
and State of New York (property) and that he is the owner of property tax map  
designation number (Sec. 57 Block 1 Lot 65.31) which is the premises described in

the foregoing application and that he authorizes:

Michael Cassisi, P.O. Box 10456, Albany NY 12201  
(Applicant Name & Address, if different from owner)

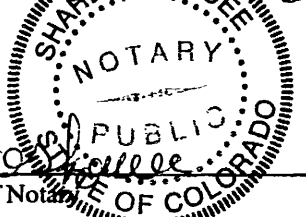
\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 10-17-2003

Sworn to before me this:

17 day of October 2003

Shahla P. Skouf  
Signature and Stamp of Notary  


\*\* Vincent Lawrence  
Owner's Signature (MUST BE NOTARIZED)

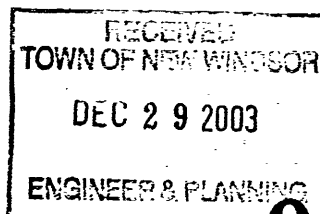
\_\_\_\_\_  
Applicant's Signature (If different than owner)

\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



**03-63**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- NO → ☐ Copies of signs with dimensions and location.
- ☒ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)

- ☒ Photographs of existing premises from several angles.

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

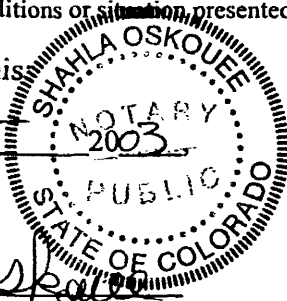
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this

17 day of OCT 2003

Shahla Oskoue  
Signature and Stamp of Notary



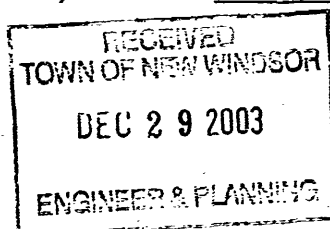
Vincent J Lawrence  
Owner's Signature (Notarized)

Vincent J Lawrence  
Owner's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



03-63

